United Nations A/72/173

General Assembly

Distr.: General
19 July 2017

Original: English

Seventy-second session
Item 73 (b) of the provisional agenda*
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human rights of migrants

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the human rights of migrants, François Crépeau, in accordance with Human Rights Council resolution 34/21.

* A/72/150.

17-12223 (E) 100817

Please recycle

Report of the Special Rapporteur on the human rights of migrants

Summary

The present report outlines the main activities undertaken by the Special Rapporteur on the human rights of migrants during the reporting period since his most recent report to the General Assembly.

As a contribution to the global compact for safe, orderly and regular migration discussions, the Special Rapporteur proposes the development of an agenda within the framework of the United Nations, in parallel with the 2030 Agenda for Sustainable Development, to be known as the 2035 agenda for facilitating human mobility. Based on targets 10.7 and 8.8 of the Sustainable Development Goals, the agenda would encompass eight human mobility goals, together with targets and indicators, aimed at facilitating human mobility in the next 15 years, while ensuring respect for the human rights of all migrants based on the principles of non-discrimination and equality.

Contents

		Page
I.	Introduction	4
II.	Activities	4
III.	2035 agenda for facilitating human mobility	4
	A. Introduction	4
	B. Migration: perceptions versus reality	5
	C. 2035 agenda: a long-term strategy	8
	D. Human mobility goals	9
	E. Assessment of progress and financing	24
IV.	Conclusions and recommendations	24

I. Introduction

1. The present report is submitted to the General Assembly by the Special Rapporteur on the human rights of migrants pursuant to Human Rights Council resolution 34/21.

II. Activities

2. The Special Rapporteur participated as a panellist in the high-level plenary meeting on addressing large movements of refugees and migrants, held in New York on 19 September 2016.

3. The Special Rapporteur conducted a visit to Australia from 1 to 18 November 2016. The Special Rapporteur recommends that Australia develop and implement a human rights-based approach to migration and border management, ensuring that the rights of migrants, including undocumented migrants, are always given priority.

4. The Special Rapporteur, in collaboration with the respective national human rights institutions, organized workshops on access to justice for migrants in Senegal on 5 and 6 December and in Morocco on 8 and 9 December 2016.

5. On 31 March 2017, the Special Rapporteur organized a consultation in Geneva with civil society organizations and United Nations agencies to review the outcome of the high-level plenary meeting on addressing large movements of refugees and migrants and discuss ways to engage with the two-year process that will result in the adoption of a global compact for safe, orderly and regular migration in 2018.

6. On 8 and 9 May 2017, the Special Rapporteur was invited to the first thematic informal consultation of the global compact on migration on the theme "Human rights of all migrants, social inclusion, cohesion, and all forms of discrimination, including racism, xenophobia and intolerance" as the thematic expert. On 19 and 20 June 2017, he also participated in the third consultation on the theme "International cooperation and governance of migration in all its dimensions including at borders, on transit, entry, return, readmission, integration and reintegration".

7. In June 2017, the Special Rapporteur submitted his final thematic report to the Human Rights Council (A/HRC/35/25). The present report builds on that report.

III. 2035 agenda for facilitating human mobility

A. Introduction

8. On 19 September 2016, the General Assembly held a high-level plenary meeting on addressing large movements of refugees and migrants and adopted resolution 71/1 on the New York Declaration for Refugees and Migrants. The Declaration establishes a two-year process leading to an international conference in 2018 at which two global compacts, one on refugees and the other for safe, orderly and regular migration, will be presented for adoption. The Special Rapporteur sees the adoption of the global compact for safe, orderly and regular migration not as the end of the process, but as the beginning. As part of the global compact, the Special Rapporteur calls upon States to go beyond the Declaration and impulsive reactions on the basis of what they perceive to be the current problems and to develop a human rights- and evidence-based governance framework for international migration and mobility.

9. The Special Rapporteur takes note of the positive development of migration and mobility being discussed within the framework of the United Nations, which has resulted in the inclusion of migration-related targets in the Sustainable Development Goals, and the New York Declaration for Refugees and Migrants, in which States reaffirmed their commitments to the protection of the human rights of migrants and to the establishment of a global compact for safe, orderly and regular migration. The Special Rapporteur stresses the importance of ensuring that the commitment of States to the protection of the human rights of migrants[1] is upheld and translated into the adoption of the global compact.

10. The Special Rapporteur suggests that the global compact for safe, orderly and regular migration should include provisions on the development of a 2035 agenda for facilitating human mobility under the framework of the United Nations, in parallel with the 2030 Agenda for Sustainable Development (General Assembly resolution 70/1).

11. The golden thread of such an approach would primarily be to address targets 10.7 and 8.8 of the Sustainable Development Goals through a rights-based, age- and gender-sensitive plan.

12. The Special Rapporteur envisions an agenda that, building on target 10.7, outlines how human mobility can be facilitated effectively and underlines the importance of taking a long-term strategic approach to developing more accessible, regular, safe and affordable mobility policies and practices that will place States in a better position to respond to the significant demographic, economic, social, political and cultural challenges that lie ahead.

13. Given that the global compact for safe, orderly and regular migration will be submitted for adoption in 2018, the agenda could be launched in 2020 following a two-year preparatory process. The agenda would encompass a modest but achievable number of universal goals aimed at protecting the human rights of migrants and facilitating mobility in the subsequent 15 years, with precise targets and indicators, realistic timelines and benchmarks and effective accountability mechanisms.

B. Migration: perceptions versus reality

14. The Special Rapporteur wishes to recall the New York Declaration for Refugees and Migrants, in which States recognized that, in accordance with the obligations of States under international law, migrants must have comprehensive policy support, assistance and protection and that their human rights must be fully respected.

15. Under international law, States have the duty to protect migrants at all stages of the migratory process and to provide them with access to justice to remedy any discriminatory treatment or human rights violations that they experience. All migrants should be recognized and treated with respect and dignity as equal rights holders, regardless of their migratory status in relation to the sovereign territory in which they find themselves.

16. The Special Rapporteur proposes a fundamental shift in the way that migration is perceived and framed. Migration governance is not a matter of closing off borders and keeping people out, but one of regulating mobility by opening regular, safe,

[1] All references to migrants throughout the present report should be read as "migrants, regardless of their status or circumstances".

accessible and affordable migration channels and promoting and celebrating diversity.

17. The Special Rapporteur strongly recommends regulating mobility, which would facilitate migration and the control thereof, instead of restricting migration movements through the use of pushbacks, interception and detention. States must move from a zero-tolerance attitude to one of harm reduction, thereby undercutting the criminal organizations responsible for migrant smuggling, addressing the security concerns of States and, ultimately, reducing human suffering and saving lives. If States want to regain control over their borders, migrants should be provided with regular, safe, affordable and accessible mobility channels.

18. In order to regulate mobility effectively, States are required to adopt a whole-of-government approach to migration, taking into account all aspects thereof, including all benefits and challenges in terms of economic growth, demographic changes, cultural diversity, social integration, human rights and respect for the rule of law. By taking a long-term strategic approach, States will be better positioned to respond to the significant imminent demographic, economic, social, political and cultural challenges.

19. Political rhetoric on migration most often does not reflect reality, notwithstanding facts and figures to the contrary. Such rhetoric shapes public perceptions of migration. Any attempt to develop an agenda for migration should therefore outline, for populations of all countries and for their politicians, an inspiring narrative of how well-governed mobility could contribute to the prosperity and stability of society.

20. According to United Nations statistics for 2015, approximately 244 million people were living outside their countries of origin worldwide, including almost 20 million refugees. Despite a 41 per cent increase compared with 15 years ago, that figure accounts for only 3.3 per cent of the global population in 2015, against 2.8 per cent in 2000. The rate of migration actually slowed during the period from 2010 to 2015, in contrast to the previous five-year period. Between 2000 and 2015, Asia received the highest number of additional migrants, with a total of 26 million.[2]

21. Ageing populations in some regions have caused a shift in demographics, leading to labour shortages. From a purely economic perspective, such demographic shifts will add pressure and impetus to the need to balance labour supply and demand,[3] clearly contradicting the common conception that migrants are "job stealers".

22. Against the backdrop of a poor economic climate, the rise in nationalist populist parties and the tragic terrorist attacks around the world, xenophobia and hate speech have increased, causing a significant upward trend in negative perceptions of migrants and creating a stumbling block in the development of more efficient evidence- and human rights-based policies.

23. The use of appropriate language and studies, the presentation of facts and policies that favour diversity and the inclusion of migrants are key to facilitating the integration of migrants and their contribution to development and to reducing negative populist representations of migrants. Consequently, States need to develop a long-term, human rights-based strategic vision and narrative on mobility and

[2] See United Nations, International Migrant Stock: The 2015 Revision dataset. Available from www.un.org/en/development/desa/population/migration/data/estimates2/estimates15.shtml.

[3] Sudhir Kapadia, "Tracking global trends: how six key developments are shaping the business world", paper prepared for the India Tax Workshop 2011, November 2011. Available from www.ey.com/Publication/vwLUAssets/ITW-2011-Tracking_global_trends/$FILE/Tracking_global_trends.pdf.

diversity that will give meaning, coherence and direction to current and future action.

24. A human rights-based approach would have a positive impact on the public discourse and facilitate the integration of migrants into society by changing the general perception of migration from being seen as a burden and expense to being seen as a shared responsibility and valuable investment.

25. Migrants are drivers and enablers of development, contributing to economic growth wherever they go. Studies show that immigration has a minimal impact on unemployment among residents in host countries and a positive overall impact on employment generation and investment.[4] Increasing evidence suggests that migrants contribute more in direct and indirect taxes than they consume in government benefits.[5] In 2015, migrants sent approximately $601 billion in remittances, some $441 billion of which were estimated to have been received by developing countries, which is nearly three times the amount of official development assistance.[6]

26. Economic research also demonstrates that migrants complement rather than compete with citizens, therefore generating greater overall productivity within the economy.[7] In one study, the impact of the global recession was shown to decrease but not eradicate that positive phenomenon, disproving the argument that an economic downturn justifies repressive policies against migrants.[8] Although some nationals may be displaced by migrants in small and other specific labour markets, it is better to address such marginal consequences through retraining policies rather than by trying to curb migration.

27. Although the economic incentives to migrate are diverse and, for many, very strong, they are constantly evaluated and scrutinized by potential migrants. Migrants go to destination countries that have jobs available for migrants in official or underground labour markets. Migrants respond to the demand for labour, and, under normal circumstances, when demand declines in a particular area, so does migration to that area.

28. Many factors influence the decisions of migrants as to why, when, where and how they want to migrate. The main push factors are poverty, violence, discrimination and poor governance. The main pull factors are official or unacknowledged labour needs and family reunification. Public discussion about those factors is, on the whole, extremely shallow, often constituting nothing more than scaremongering about "benefit scroungers" and migrants "stealing jobs".

29. Rather than addressing the reasons behind migration, States often respond to increased migration movements by creating and progressively increasing barriers to

[4] Organization for Economic Cooperation and Development, *International Migration Outlook 2013* (Paris, 2013). Available from www.oecd-ilibrary.org/social-issues-migration-health/international-migration-outlook-2013_migr_outlook-2013-en.

[5] *The Economic, Social and Cultural Rights of Migrants in an Irregular Situation* (United Nations publication, Sales No. E.14.XIV.4), p. 99.

[6] World Bank Group, "Migration and remittances factbook 2016", advance 3rd ed. Available from www.worldbank.org/en/research/brief/migration-and-remittances.

[7] David Card, "The impact of the Mariel boatlift on the Miami labour market", *Industrial and Labour Relations Review*, vol. 43, No. 2 (January 1990); Mette Foged and Giovanni Peri, "Immigrants' effect on native workers: new analysis on longitudinal data", Institute for the Study of Labour Discussion Paper No. 8961 (March 2015); Andri Chassamboulli and Giovanni Peri, "The labour market effects of reducing the number of illegal immigrants", *Review of Economic Dynamics*, vol. 18, No. 4 (October 2015).

[8] Francesco D'Amuri and Giovanni Peri, "Immigration, jobs and employment protection: evidence from Europe before and during the Great Recession", Bank of Italy Working Paper No. 886 (October 2012).

mobility, with a focus on securitization, repression and deterrence policies. Their central objective has been to secure their borders by building fences, using violence to stop undocumented population movements across land and sea borders, using long-term detention as a deterrence tool and carrying out collective expulsions to countries of origin and transit. Moreover, States have moved their border management activities beyond their territorial borders, extending them to the high seas and third countries.

30. Repressive policies and the lack of responses to push and pull factors of migration only serve to create the perfect conditions for underground labour markets and smuggling rings to flourish. States often do not address the reasons why individuals want or need to move from their countries of origin and why employers in destination countries seek to employ them, yet they have created and progressively increased barriers to mobility. The so-called "migration crisis" is driven by policy. Placing restrictions on mobility is part of the problem, not part of the solution.

31. The continued ineffectiveness and paradoxes of border management and the lack of a coherent human rights-based framework for migration have been vividly and visibly exposed by the tragic deaths of migrants in transit, propelling the issue of the human rights of migrants into the spotlight. Suffering is also experienced at all other stages of migration. The repression of undocumented migrants and the externalization of borders do little but increase the suffering of migrants and have the effect of entrenching smuggling rings and exploitative recruiters and employers. Migrants will continue to arrive. The only solution is to adopt well-managed migration policies that facilitate the mobility of migrants and provide States with the border control that they need.

C. 2035 agenda: a long-term strategy

32. In order to respond to the complexity of human mobility, States are required to develop a long-term strategic vision of what their mobility policies will look like a generation from now, with precise timelines and accountability benchmarks. Such a long-term vision is similar to the strategic planning of States for policies on energy, environment, trade, food security, public transit, infrastructure and industries in order to determine the investments needed to achieve the objectives.

33. The Special Rapporteur suggests that States should also develop such a vision for migration policies. The timeline for migration policies always seems to be based on "now", with States focusing on "stopping migration now", "sending back migrants now" or "bringing in technicians or low-skilled migrant workers now". The Special Rapporteur proposes a more considered, fact-based response to push and pull factors that includes a 15-year vision for how mobility could be effectively governed, which would allow States to take well-planned action in response to a so-called crisis.

34. The first step in changing the collective mindset is to accept that migrants will move according to push and pull factors, which, on the whole, are not adequately addressed. Facilitating increased mobility and matching skills to labour needs, for example in an accessible, regular, safe and affordable labour market, and using appropriate visa systems and security controls, would ensure that most migrants would use regular mobility channels.

35. Facilitated mobility would have obvious advantages, such as:

(a) Significantly reducing the market for smugglers and unethical recruiters;

(b) Enabling all security checks by intelligence agencies to be made in a timely manner and mostly in the destination country;

(c) Providing the opportunity to show the electorate of destination countries that borders are respected, that authorities are managing migration properly, that employers are integrating migrants into the labour market, that investments have been made in integration programmes and that the fearmongering discourse of nationalist populists is based on stereotypes, myths and fantasies that can be countered by facts.

36. The inclusion of migrants in the Sustainable Development Goals demonstrated that all States, without a doubt, acknowledged the importance of better-governed mobility. Given that the process is already under way, the Special Rapporteur proposes harnessing the energy of that existing process and developing recommendations on how it can be further developed for migration.

37. With that in mind, the Special Rapporteur proposes developing a 2035 agenda for facilitating human mobility, which would translate the 2030 Agenda for Sustainable Development into "bite-sized" and achievable goals, targets and indicators. The 2030 Agenda already refers, in certain Sustainable Development Goals, to the human and labour rights of migrants, including:

(a) Protect labour rights and promote safe and secure working environments for all workers, including migrants, especially women migrants, and those in precarious employment (target 8.8);

(b) Reduce the transaction costs of migrant remittances to less than 3 per cent and the elimination of remittance corridors with costs higher than 5 per cent by 2030 (target 10.c);

(c) Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies (target 10.7);

(d) Promote and enforce non-discriminatory laws and policies for sustainable development (target 16.b);

(e) Promote the rule of law at the national and international levels and ensure equal access to justice for all, including migrants (target 16.3);

(f) Provide legal identity for all, including birth registration, by 2030 (target 16.9);

(g) Increase significantly the availability of high-quality, timely and reliable data disaggregated by, among other things, migratory status, by 2020 (target 17.18).

38. Primarily on the basis of targets 10.7 and 8.8, the Special Rapporteur intends to recommend that States and other stakeholders develop long-term strategies to fulfil their obligations towards all migrants, including migrants in precarious situations, as set out in the Sustainable Development Goals.

D. Human mobility goals

39. Building upon the experience gained from his mandate, which he has held since 2011, the Special Rapporteur presents the following agenda as a road map and as a way of demonstrating the content, scale, practicability and scope of a future 2035 agenda. The agenda encompasses eight human mobility goals, together with targets and indicators, aimed at facilitating human mobility while ensuring respect for the human rights of all migrants, regardless of their status, skills, age, gender or sexual orientation.

40. The Special Rapporteur proposes the following goals:

Human mobility goals

Goal 1. Offer regular, safe, accessible and affordable mobility solutions to all migrants, regardless of their status or skill levels

Goal 2. Protect the labour and human rights of all migrants, regardless of their status and circumstances

Goal 3. Ensure respect for human rights at border controls, including return, readmission and post-return monitoring, and establish accountability mechanisms

Goal 4. End the use of detention as a border management and deterrence tool against migrants

Goal 5. Provide effective access to justice for all migrants

Goal 6. Ensure easy access for all migrants to basic services, including education and health

Goal 7. Protect all migrants from all forms of discrimination and violence, including racism, xenophobia, sexual and gender-based violence and hate speech

Goal 8. Increase the collection and analysis of disaggregated data on migration and mobility

Goal 1. Offer regular, safe, accessible and affordable mobility solutions to all migrants, regardless of their status or skill levels

Rationale

41. In the New York Declaration for Refugees and Migrants, States committed to "consider facilitating opportunities for safe, orderly and regular migration, including, as appropriate, employment creation, labour mobility at all skills levels, circular migration, family reunification and education-related opportunities". To implement that commitment, States need to develop and implement long-term national migration policies, in line with their obligations under international human rights law, ensuring that regular, safe, affordable and accessible avenues are available for all migrants. The overall goal in terms of governing mobility is for most migrants to use regular channels to enter and stay in destination countries. States must recognize and address what may be called the "pull factors" of migration, such as unrecognized demands for low-skilled labour in economic sectors that are not met locally, and provide safe, regular, accessible and affordable migration channels to meet the demand for such low-skilled jobs. When regular migration channels fail to properly reflect labour market needs, migrants are more likely to be offered undocumented migration solutions by smuggling rings and unethical recruiters and become victims of exploitation and abuse.

42. States must reclaim the mobility market from the smugglers and adopt measures to regularize undocumented migrants. Migrants do not want to be undocumented or use smugglers, but are forced to do so owing to the lack of regular, safe, accessible and affordable mobility options. They would rather pay a reasonable fee to a visa officer than suffer extortion at the hands of smugglers. They would adapt to the requirements of States for access to regular mobility solutions within a reasonable time and arrive at border posts, presenting official identity and travel documents in good order, rather than embarking with their families on a journey riddled with suffering. They would work in official labour markets, even for the minimum salary, instead of being exploited and abused in underground labour markets. Well-designed mobility policies are needed to induce that virtuous cycle.

43. Opening up more regular migration channels for migrants at all skill levels would considerably reduce undocumented migration and limit the power of smuggling rings. Allowing people to look for work on the regular labour market would present opportunities for both employers and workers. Abolishing sponsorship-based temporary migrant worker programmes and providing open work visas would considerably reduce labour exploitation.

44. Through resettlement programmes for refugees and the provision of humanitarian visas and other opportunities, it is well within the means of States to develop the mechanisms necessary for providing resettlement opportunities to refugees. A worldwide, well-governed distribution key that provides resettlement programmes for refugees and humanitarian visas and other opportunities would create a reliable long-term programme and ensure that a large number of refugees would seek resettlement rather than spend large sums of money and risk their lives and those of their children in smuggling operations. That would considerably reduce the market for smugglers, as well as the cost of procedures to determine the status of refugees in countries of destination.

45. In order to facilitate mobility, States must increase regular channels for migration and the taxation of mobility through the progressive expansion of visa liberalization, electronic travel authorization mechanisms and easily accessible visa facilitation regimes, such as refugee settlement, temporary protection, visitor, family reunification, work, resident, retirement and student visas, with all the identity and security checks that efficient visa regimes can provide.

46. In order to introduce a human rights-based approach to the mobility of human resources in the negotiation of bilateral and multilateral trade agreements, States should, in partnership with the business communities involved, considerably enlarge the elements of human mobility and labour migration in trade negotiations, and representatives of migrants should be offered meaningful opportunities to comment on draft trade agreements as key stakeholders.

47. Much of the labour exploitation that migrants suffer is linked to recruitment agencies. In accordance with international human rights standards, private actors must, at a minimum, respect the human and labour rights of their workers. The private sector, including recruitment agencies and employers, plays an important role in the labour exploitation of migrants and must therefore be part of the solution.

Targets

1.1 Protect the human rights of all migrants, in compliance with international human rights standards

1.2 Adopt and enforce human rights-based, coherent and comprehensive national migration policies to ensure regular, safe, affordable and accessible migration options for all migrants

1.3 Considerably increase the number of resettlement and humanitarian visa options for refugees

1.4 Create multiple labour migration opportunities, including for low-skilled migrants, to incentivize their use of regular migration channels by establishing common and accessible visa and work permit regimes

1.5 Abolish all temporary migration schemes, such as those based on single-employer sponsorship mechanisms or *kafalah* systems, in favour of open work visas

1.6 Facilitate labour mobility for migrants at all skill levels through regional organizations, regional consultative processes, bilateral and regional

agreements for the free movement of persons and bilateral and regional trade agreements

1.7 Ensure that the appropriate governance of migration promotes the optimal matching of job skills to jobs and of labour supply to labour demand between countries

1.8 Counteract deskilling and increase the proportion of migrants who are working at the skill level that is most relevant to their education, training and work experience, so as to facilitate their integration into the local labour force and their reintegration into the labour market in the country of origin

1.9 Reduce to less than 3 per cent the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5 per cent

1.10 Consider providing access to permanent residency (or long-term residence permits) and citizenship to all migrants after a reasonable period of effective residence under any temporary migration regime

1.11 Promote the financial inclusion of migrants, for example, by lowering the costs of remittances and promoting digital financial services, and provide incentives for migrants to engage in trade between countries of origin and destination

Indicators

(a) Increased number of countries that have ratified relevant international human rights and labour law instruments providing for the equality of treatment for all migrant workers in respect of employment

(b) Establishment of a time frame and coverage of national policy on enhancing international cooperation to facilitate regular, safe, affordable and accessible migration, in line with human rights standards, including through labour mobility at all skill levels

(c) Establishment of a time frame and coverage of national policy on ending criminalization and externalization approaches to migration control, which aggravate the precarious condition of migrants

(d) Increased number of bilateral and multilateral visa facilitation and liberalization agreements, including for visits, work, job searches, family reunification, refugee resettlement, humanitarian activities, studies, internships, retirement and other purposes

(e) Increased number of regional, bilateral and multilateral agreements on migration that provide for human and labour rights safeguards and comply with international human rights and labour standards, including effective complaint and redress mechanisms

(f) Increased number of regional and bilateral mobility agreements

(g) Increased number of ex ante human rights impact assessments conducted during trade negotiations to identify and mitigate risks

(h) Increased number of accessible visas and work permits provided at all skill levels

Goal 2. Protect the labour and human rights of all migrants, regardless of their status and circumstances

Rationale

48. Migrants, especially those with precarious residence status, are vulnerable to abuse and labour exploitation. Certain categories of migrants, such as migrant women and children, temporary migrant workers and undocumented migrants, are more intrinsically vulnerable to abuse, violence and exploitation. The physical, sexual and psychological abuse of women migrant domestic workers appears to be widespread, and they are often exposed to health and safety threats without being provided with adequate information and support. For most migrants, it can be very difficult or impossible to obtain meaningful access to an effective remedy for rights violations.

49. Underground labour markets act as a magnet for undocumented migration at the request of exploitative employers and constitute a major pull factor for exploited migrant workers and a key trigger for the smuggling market. It is, however, difficult to reduce those markets significantly, owing to the favourable impact of lower labour costs on certain economic sectors, in particular the construction, agriculture, caregiving, hospitality, fisheries and extraction industries; the acquiescence of consumers; the indifference of politicians; and the absence of complaints by migrants owing to their fear of detection, detention and deportation. Nevertheless, action needs to be taken to achieve mobility without distortions to the labour market, which would entail the considerable reinforcement of labour inspection mechanisms, the vigorous targeting of exploitative employers and the empowerment of migrants to defend their rights.

50. Proactive regularization procedures should be readily available to help migrants who work and are socially integrated remain in the country with regular status and fight exploitation and defend their rights, just like any other workers.

51. A comprehensive, detailed national migration policy needs to be drawn up and implemented effectively in order to combat the labour exploitation of migrants. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Multilateral Framework on Labour Migration of the International Labour Organization provides useful guidance in that respect.

Targets

2.1 Effectively protect the labour rights of migrants, including by ensuring equal opportunity and treatment in employment, in compliance with international labour standards

2.2 Implement policies that effectively sanction employers who exploit migrants, and increase the share of migrants who benefit from the cross-border recognition of skills and qualifications and the portability of social security benefits

2.3 Promote the progressive formalization of the informal sectors of industries in which migrants are often exploited, such as construction, extraction, fisheries, hospitality and caregiving

2.4 Ensure ethical recruitment intermediaries at both ends of the migration process by establishing effective government regulatory frameworks and institutional monitoring mechanisms for the labour recruitment industry and by using all available international cooperation channels

2.5 Facilitate the unionization of and collective bargaining by migrants, especially in the economic sectors in which migrants are in the majority and in the industries in which they are often exploited

2.6 Increase effective labour inspection systems with a sufficient number of labour inspectors, who should be well trained in international human rights and labour standards

2.7 Increase labour inspections in private households for the protection of migrant domestic workers

2.8 Ensure easy access for all migrants to labour dispute resolution institutions, without fear of detection, detention and deportation

2.9 Pursue publicly funded social protection policies in critical areas that guarantee the well-being of the entire community, including migrants

2.10 Facilitate the regularization of migrants who work and are socially integrated

Indicators

(a) Increased number of countries whose national legislation and policies provide for equality of treatment for all migrants in respect of employment, including through the protection of the labour rights of migrants and their equal access to social security benefits and redress mechanisms

(b) Reduction of upfront costs for migrants, especially recruitment fees

(c) Increased regulation and effective monitoring of the recruitment industry

(d) Increased pre-departure and post-arrival training of migrants

(e) Increased number of information campaigns that promote decent work and the protection of the human and labour rights of all migrants

(f) Mutual recognition of foreign educational qualifications, including through the conclusion of bilateral and multilateral agreements

(g) Number of migrants who have transitioned from informal to formal sectors of the economy

(h) Number of undocumented migrants who have been regularized

(i) Number of low-skilled workers, especially migrant women and children, who file complaints of labour exploitation and obtain compensation

(j) Number of unionized migrants involved in collective bargaining in the economic sectors in which they are traditionally exploited

(k) Number of migrants with equal access to social security and benefiting from the cross-border portability of earned social security benefits, such as pensions, including through the conclusion of bilateral and multilateral agreements[9]

(l) Disaggregated data showing the proportion of migrant workers in the various informal sectors and underground labour markets of the economy

(m) Disaggregated data showing the proportion of migrants who have reported cases of violations of their human and labour rights, including forced labour, discrimination, violence and unlawful termination of employment, and the

[9] International Labour Office, *Fair Migration: Setting an ILO Agenda* (Geneva, 2014). Available from www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_242879.pdf.

proportion of victims who received compensation is made available and more precise

Goal 3. Ensure respect for human rights at border controls, including return, readmission and post-return monitoring, and establish accountability mechanisms

Rationale

52. Human rights are not reserved for citizens; they benefit everyone, everywhere. States must promote and protect the rights of all in their territory or within their jurisdiction, without discrimination, regardless of status and circumstances. While States have the power to admit, refuse to admit or return migrants, they have an equal obligation to respect the human rights of migrants in the process.

53. States must increase their search and rescue capacities and refrain from pushbacks at land and sea borders. The militarization of border control creates unnecessary suffering and leads to violations of human rights and humanitarian law at borders. States need to develop procedures, guidelines or systems that ensure that search and rescue is implemented as a paramount objective and that take into account what should be done with those who are rescued.

54. When they arrive without documentation in countries of transit or destination, migrants fall within the category of irregular migrants. Prompt and proper individual screening and assessment procedures are required in order to effectively identify the specific vulnerabilities of migrants and determine the legal protection frameworks that meet their needs. The lack of individual assessments and of the possibility for migrants to state their claims, outlining the risks they may face when returned to their countries of origin, creates a potential violation of the international principle of non-refoulement. The Special Rapporteur stresses that the principle of non-refoulement is stronger as codified in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, where it is considered to be absolute and without exception, than in refugee law, meaning that persons may not be returned even when they might not otherwise qualify as refugees under the Convention relating to the Status of Refugees or national law, even when national security is involved. Accordingly, non-refoulement under the Convention against Torture must be assessed independently of the determination of refugee or asylum status, so as to ensure that the fundamental right to be free from torture or other ill-treatment is respected even in cases in which protection against refoulement under refugee law might not be available.

55. Effectively ensuring the proper protection of the human rights of migrants is not possible in the absence of well-functioning asylum systems or of adequate and appropriate infrastructure for managing large movements of migrants. Despite legal prohibitions, pushbacks and refoulement to countries of origin and third countries with weak rule of law and poor asylum systems have been improperly conducted under the broad auspices of bilateral agreements. States must not return anyone under a readmission agreement without the effective oversight of a post-return human rights monitoring mechanism that verifies whether the human rights of returnees are actually respected.

56. The return of migrants who do not meet the required international or national legal standards to remain in their host country must be conducted in safety, with regard to dignity and respect for human rights, on the basis of: (a) the primacy of voluntary returns; (b) cooperation between States of origin and reception; and (c) enhanced reception and reintegration assistance for those who are returned. Children, whether unaccompanied, separated or accompanied by their parents or other caregivers, should only be returned or repatriated when it has been determined to be in their best interest through an appropriate procedure before a competent

institution that includes the proper representation of the child. Families should never be separated unless separation is necessary to ensure the best interests of the child.

Targets

3.1 Protect the lives and safety of migrants and ensure the rescue of and immediate assistance to all migrants facing risks to life or safety, in accordance with the principles and practical guidance on the protection of the human rights of migrants in vulnerable situations (see A/HRC/34/31), by developing and effectively implementing procedures and guidelines

3.2 Implement a human rights-based approach to migration and border management, ensuring that the rights of all migrants are always the first consideration

3.3 Respect and protect the human rights of all migrants at borders, both at entry and return, with special attention paid to vulnerable groups, such as unaccompanied children, families with children, pregnant women, persons with disabilities, asylum seekers, refugees, potential victims of trafficking and elderly migrants

3.4 Conduct full individual assessments for all migrants in order to effectively identify their vulnerabilities and the legal frameworks under which their needs will be met and their rights protected

3.5 Decriminalize undocumented entry and stay

3.6 Review national and regional border policies to ensure that the human rights of all migrants at international borders are upheld

3.7 Develop and implement gender- and age-sensitive guidelines to protect migrants in precarious situations

3.8 Adopt approaches that reduce the precariousness of migrants, in particular by avoiding the securitization of migration policies and the externalization of border control

3.9 Returns should be carried out in full respect of international human rights law, in conditions of safety and dignity and with due procedural guarantees

3.10 Systematically implement post-return human rights monitoring and ensure that such monitoring is part of every readmission agreement

Indicators

(a) Increased number and proportion of migrants protected as a result of search and rescue operations

(b) Considerably reduced number of undocumented migrants who are killed, injured or become victims of crime or violence while seeking to cross maritime, land and air borders

(c) Pushback operations and collective expulsions are stopped

(d) Regular revision of bilateral and regional readmission agreements is conducted to ensure their compliance with international human rights standards, thereby protecting the needs and rights of migrants

(e) Policies and practices aimed at detecting vulnerabilities and assessments of the protection needs of migrants arriving at international borders are implemented and followed up with appropriate protection measures

(f) Laws, policies and practices that criminalize undocumented migration are abolished and replaced by legislation and regulations that qualify undocumented entry as an administrative rather than a criminal offence

(g) International cooperation is reduced with regard to immigration policies of externalization, according to which migrants are prevented from moving on and obliged to remain in countries of transit in which their rights are not respected, and all international cooperation on immigration policies includes the strengthening of the national human rights systems and institutions of countries of origin and transit

(h) Returns are decided after following a strict procedure in which the migrant is duly represented, has access to appropriate legal assistance and interpretation services and has an effective opportunity to explain why a return would not be in respect of his or her rights

(i) Reintegration programmes are provided for migrants who are returned to their countries of origin

(j) Disaggregated data on all aspects of border management, including return of migrants, is collected and analysed

Goal 4. End the use of detention as a border management and deterrence tool against migrants

Rationale

57. It is a worrying trend that immigration detention is extensively used as a border management and deterrence tool against migrants and too often as a means to prevent their access to justice. In line with international human rights law, freedom must be the default position and detention the exception, used only as a measure of last resort. Detention must be reasonable, necessary, proportionate, decided on a case-by-case basis and enforced for the shortest possible period of time. Administrative detention can be justified only if an individual presents a danger to the public or risks absconding when his or her presence is necessary in further proceedings, and such determinations must be made individually and on the basis of evidence. Furthermore, when detention becomes a routine measure of border enforcement, it may be, per se, arbitrary insofar as it is neither an exceptional measure of last resort nor based upon a meaningful individualized assessment of risk.

58. The increasing practice of migration detention is not automatically accompanied by assurances of legal guarantees and basic human rights protection for detainees. The access of migrants to justice is severely hampered by a failure to guarantee appropriate detention safeguards for vulnerable individuals and access to proper legal representation, legal aid, consular services, interpretation and translation services and effective remedies.

59. The impact of prolonged detention, coupled with the frequently inhumane detention conditions (namely, overcrowding, unsanitary personal hygiene facilities and kitchens and insufficient access to health care, family members, lawyers, international or civil society organizations and physical and recreational activities), has a devastating effect on the physical and mental health of migrants. Long periods of immigration detention can also lead to sustained barriers to the ability of migrants to claim their economic and social rights, even after having been released.

60. Unaccompanied migrant children and families with children must never be detained for reasons relating to their administrative immigration status. The detention of children, even for short periods, can have severe psychological consequences for their development. The Committee on the Rights of the Child and

other human rights mechanisms have made it clear that immigration detention can never, ever, be in the best interests of a child and that the immigration detention of children, whether unaccompanied or with their families, always constitutes a violation of their rights. Consequently, both unaccompanied migrant children and families with children should always be provided with alternatives to detention.

61. Many rights-based alternatives to detention exist, including registration requirements, the deposit of documents, the payment of bonds or bail or the provision of a surety or guarantor, reporting requirements, case management or supervised release, designated residence, electronic monitoring and home curfew or house arrest. A number of countries have moved towards open reception facilities, in particular for vulnerable migrants such as unaccompanied minors and families. However, prolonged immigration detention and its associated negative human rights consequences continue in many countries.

Targets

4.1 Clearly define and exhaustively enumerate the reasons for immigration detention in legislation, in accordance with international human rights law

4.2 Ensure that the detention of migrants is always a measure of last resort, permissible only when reasonable, necessary, proportionate, decided on a case-by-case basis and enforced for the shortest possible period of time

4.3 Expeditiously and completely end the immigration detention of children and their families, and protect the rights, dignity, welfare and best interests of migrant children in all cases

4.4 Ensure timely and effective access to justice for all migrants in detention, regardless of their status and circumstances, including access to competent lawyers, competent interpreters and translators, legal aid and judicial assistance programmes, non-governmental organizations, consular authorities and asylum procedures, and the effective and independent external monitoring of all migrant detention facilities

4.5 Promote, develop and make use of viable, rights-based alternatives to detention

Indicators

(a) Judicial appeals of all detention orders are automatically implemented

(b) Mandatory detention of migrants is abolished

(c) The number of migrants in immigration detention is considerably reduced

(d) Alternatives to detention are created and expanded

(e) The proportion of migrants who are released into non-custodial alternatives to detention is considerably increased

(f) All forms of detention of migrant children and their families on the basis of their immigration status or that of their parents are abolished

(g) Increased number of countries having ratified the Optional Protocol to the Convention against Torture and adopted national preventive mechanisms mandated to visit all places of deprivation of liberty within their jurisdiction, including places where migrants are detained

Goal 5. Provide effective access to justice for all migrants

Rationale

62. Migrants face discrimination and exploitation in the workplace and sometimes experience forced labour. They often find themselves in debt bondage as a result of exorbitant recruitment fees. Nevertheless, migrants most often do not seek redress for the violations of human rights and labour standards that they suffer, owing to their limited command of the local language, their lack of knowledge of the laws and systems, cultural barriers and the fear of detection, detention and deportation. That holds especially true for migrants in the most precarious situations, including undocumented migrants, temporary migrant workers in sponsorship programmes and live-in migrant domestic workers, who are most often women.

63. Immigration legislation and regulations often considerably restrict the access of migrants to effective recourse and remedies, thereby limiting their access to justice. Perpetrators of abuse, exploitation, violations of rights and violence against migrants too often benefit from practical immunity. Effective and accessible justice systems can be tools to overcome exclusion, discrimination and marginalization through the development of progressive case law on economic and social rights, the enforcement of the human and labour rights of migrants and the systematic enforcement of laws prohibiting their exploitation by private or public actors.

64. Facilitating effective access to justice would go a long way towards, on the one hand, legitimizing new migration policies by showing that territorial sovereignty and human rights are not incompatible and, on the other, changing perceptions regarding migration by combating stereotypes. When migrants actually go to court and the court proclaims that migrants have rights, citizens and governments do listen. In addition, States must ensure that labour inspections target exploitative employers rather than exploited migrant workers. The key to ending the practical immunity of all those who abuse and exploit migrants in precarious situations is to ensure effective access to justice for migrants. Tools need to be made available to overcome systemic barriers to the right to an effective remedy, such as a lack of unionization or representation, a lack of local language skills, limited awareness of and information about rights and means of redress, and significant resource constraints in the form of a lack of legal aid and of translation and interpretation services.

Targets

5.1 Ensure and facilitate equal and effective access for all migrants whose labour or human rights are violated to independent, competent, fair, effective, accountable and responsive judicial and quasi-judicial institutions available for protecting rights, controlling abuses of power and resolving conflicts and, in particular, to national courts, administrative tribunals, national human rights institutions, ombudspersons, labour arbitration and other dispute resolution mechanisms

5.2 Empower migrants to seek and obtain a remedy through the justice system, and strengthen their ability to seek and exercise influence upon law-making and law-implementing processes and institutions

5.3 End discrimination and inequalities for all migrants in the legislation, policies and practices that regulate access to justice

5.4 Strengthen the capacity of courts, tribunals, national human rights institutions, ombudspersons and other dispute resolution mechanisms to ensure accountability for violations of the rights of migrants

5.5 Ensure equal access for all migrants to reliable legal information, effective legal aid, competent and affordable legal representation and competent interpretation and translation services

5.6 Reduce crime and violence against migrants during their migration journeys and in destination countries, and ensure effective protection and assistance to victims of exploitation and abuse

Indicators

(a) Increased number of complaints filed by migrants of human and labour rights violations, discrimination or abuse with any judicial or quasi-judicial institutions

(b) Increased proportion of cases in which migrants were effectively provided with competent legal representation, adequate legal aid and proper translation and interpretation services

(c) Increased number of court fee waivers for all those who cannot afford them, including migrants

(d) Increased number of prosecutions for human trafficking, labour exploitation and forced labour targeting migrants

(e) Increased number of cases in which migrants are offered special visa protection or other protective measures for victims of trafficking and forced labour

Goal 6. Ensure easy access for all migrants to basic services, including education and health

Rationale

65. Newly arrived migrants could face a variety of challenges in accessing public services, such as health care, education or housing, given their limited command of the local language and their lack of knowledge of the laws and systems of the host country. The enjoyment of such rights by migrants is effectively hampered in the absence of relevant support, such as the provision of language training or free information on relevant laws and regulations. A related concern is the lack of disaggregated indicators on the economic, social and cultural rights of all migrants, which would be useful for adequate policymaking, including on enhancing the accessibility of such services.

66. Migrants may be more vulnerable to poor health by virtue of their often low socioeconomic status, the sometimes harrowing process of migration and their vulnerability as non-nationals in the new country. The mental health of migrants is an issue of concern, with factors such as human rights violations before or during the migration process, social isolation caused by separation from family and social networks, job insecurity, difficult living conditions, detention and exploitative treatment potentially having adverse effects. Migrant women and girls often experience more problematic pregnancy and gynaecological health issues compared with the host population. Those working in domestic services face widespread physical, sexual and psychological abuse and therefore require urgent health care and protection. Access to health care for migrants and the level of such care, however, varies enormously, depending on State policies and the immigration status of the migrant.

67. Access to public services, such as health care, education, local police, social services, public housing, labour inspections and health and safety inspections, is key to ensuring that such services are able to perform their mission with the trust of all beneficiaries, including migrants, and that migrants do not fear detection, detention and deportation. Too frequently, immigration enforcement services enlist other

public services as auxiliaries for the detection of undocumented migrants or gain access to their databases. Unless firewalls are established between public services and immigration enforcement, vulnerable migrants will never report human rights violations and perpetrators will benefit from practical immunity.

68. In the light of the fact that migration is most often an urban phenomenon, cities are best placed to ensure the integration of migrants. Municipal authorities, who are close to the needs and interests of the whole community, have already developed excellent policies and practices and shown leadership in integrating migrants into the population through their policies, without distinction of any kind. Local authorities in over 40 countries allow some form of local electoral involvement of migrants in order to increase government accountability to migrants who cannot vote even though they work, pay taxes and assume other civic responsibilities. [10] Such initiatives would help them integrate into their new communities and ensure their access to basic services at the municipal level through participation in decision-making processes that affect their lives.

Targets

6.1 Establish firewalls between immigration enforcement and public services, thereby allowing for access to justice, housing, health care, education, police, social and labour services for all migrants, without fear of detection, detention and deportation

6.2 Provide equal and equitable access for all migrants and members of their families to adequate, affordable, accessible and quality health care, including mental, sexual and reproductive health care, and to information and education, including on family planning

6.3 Ensure equal access for all migrants to quality education at all levels in destination and transit countries, and enrolment therein, including formal schooling (primary, secondary and higher education), adult education, on-the-job and vocational training, language training and lifelong learning opportunities

6.4 Ensure access for all migrants to adequate, safe and affordable housing and to other basic services

6.5 Provide cities with the powers and resources needed for the integration of migrants, regardless of their status and circumstances

Indicators

(a) Increased number of countries that have developed national and municipal legislation, policies, plans and programmes on equal access to services for all migrants, allocated the powers and resources needed for the integration of migrants and established firewalls between immigration enforcement and public services

(b) Increased proportion of migrants with equal access to adequate, affordable, accessible and quality health care, education and housing

(c) Access provided to universal health-care coverage, formal education, language training, vocational training and lifelong education, and cross-border

[10] International Organization for Migration, "The role of IOM: migrants and the equal participation in political and public affairs". Available from www.ohchr.org/Documents/Issues/EqualParticipation/contributions/IOM.pdf.

recognition of skills and qualifications, thereby facilitating the social and economic integration of all migrants

Goal 7. Protect all migrants from all forms of discrimination and violence, including racism, xenophobia, sexual and gender-based violence and hate speech

Rationale

69. Mobility and diversity are already and will increasingly be the hallmark of contemporary societies, especially in dynamic urban areas which welcome most of the world's migration. Often at opposite ends of the social spectrum, the arts community and the business community know that diversity and mobility contribute to the dissemination of creativity, innovation, ideas and know-how and to the production of wealth.

70. The view and labelling of migrants as illegal is counterproductive and is not supported by international law. Although migrants who arrive in countries of destination without documents may be considered to be in an irregular situation, undocumented or unauthorized, they have not committed a criminal act. A human being cannot be intrinsically illegal, and naming anyone as such dehumanizes that person. Characterizing undocumented migrants as illegal has undoubtedly legitimized policies that contradict human rights guarantees, such as criminalization and prolonged detention. It has also had an impact on the general public's perception of migrants and contributed to xenophobia, discrimination and violence.

71. A fundamental shift in how migration is framed is therefore required, in both actions and words. Many of the intersecting and negative perceptions of migrants and migration that have pervaded public debates, policies and politics must be challenged. Appropriate language, precise data and policies that promote respect for and the acceptance of cultural diversity will favour the inclusion of migrants, facilitate their integration and increase their contribution to development.

72. Mobility and diversity create complex issues that require sophisticated policies, a long-term vision, targeted investments and nuanced discourses. Until now, with a few exceptions, those requirements have not been met, even though strong integration policies, efficient equality and anti-discrimination mechanisms, the vigorous countering of hate speech, access to justice for all and the promotion of diversity at all levels are urgently needed in order to ensure that migrants become active citizens.

Targets

7.1 Monitor inequalities and discrimination against migrants by establishing and enforcing a policy-specific time frame for the reduction of such acts in laws, policies and practices

7.2 Prohibit by law acts of violence and manifestations and expressions of racism, discrimination, xenophobia and related intolerance against migrants to ensure the protection of migrants and guarantee their access to means of recourse, redress and remedy

7.3 Establish at all levels of government, including that of municipal authorities, inclusive institutions, policies and practices that recognize and value all forms of diversity

7.4 Incorporate diversity, whether of origin, transit or destination, into the national narrative of all countries

7.5 Develop and implement campaigns at the national and global levels to counter xenophobia, discrimination, racism and violence against all migrants

Indicators

(a) Decreased number and proportion of migrants who are victims of xenophobic crime, including bias-driven violence

(b) Inclusive institutions, policies and practices are in place at all levels of government, including at the municipal level, to promote diversity, pluralism and multiculturalism as essential features of contemporary societies

(c) Increased number of migrants who are granted remedies in compensation for discrimination, hate speech or violence

(d) Significant investment is made in mechanisms for providing information and education on a culture of diversity, the focus of which is to create awareness of the cultural, social and economic contributions of migrants, support the reintegration of migrants and their families into their countries of origin, empower marginalized groups, including migrants, in the social, political and economic fields, and empower migrants to combat all forms of discrimination, labour exploitation, abuse, xenophobia, violence and related intolerance

Goal 8. Increase the collection and analysis of disaggregated data on migration and mobility

Rationale

73. States must increase the harmonization and coordination of the collection and analysis of migration data sources in order to develop a systemic picture. They must provide for inclusive processes that allow for a robust public debate, including through national consultations, and that promote a better understanding of the needs of migrants in terms of human and labour rights protection. That will allow States to develop more targeted programmes and more suitable mobility options and to measure effective progress for migrants, especially those who are socially marginalized, economically excluded and politically invisible. Such processes and data collection will constitute an important contribution to the 2030 Agenda for Sustainable Development.

74. In order for meaningful national plans, policies and programmes to be developed and implemented, States must focus on collecting and assessing data on the human rights situation of migrants, from sources such as censuses; population, labour force and household surveys; administrative records; public services; the justice system; national human rights institutions; trade unions; and civil society organizations. The participation of hard-to-count migrant populations, such as short-term, circular and undocumented migrants and child migrants and trafficked persons, in the design of surveys and other data collection instruments and in the dissemination and analysis of data will improve the relevance and quality of data.

75. Data collection should be focused on the human rights aspects of migration and preferably be disaggregated by all prohibited grounds of discrimination, including by income, area (urban or rural), sex, age, disability, nationality, sector of employment and regular status. Disaggregation by itself, however, does not automatically result in the reduction of inequalities. It is the action of policymakers in response to the information revealed by disaggregation that can result in the required change, which must then be reflected when setting targets and indicators.

76. Migration governance institutions should be able to ensure that the data, including the identities of those who participated in its production, are protected and kept confidential. The right of migrants to privacy needs as much protection as that of citizens.

Targets

8.1 Collect disaggregated data and indicators in all areas relevant to migration, while ensuring data protection and respect for the right of migrants to privacy, in particular by establishing firewalls in order to enable societies to conduct better-informed public debates and States to make evidence-based policy decisions

Indicators

(a) Capacity-building for the collection, dissemination and use of disaggregated data on the situation of migrants

(b) Promoting the availability of gender-disaggregated data to improve gender equality policies, including gender-sensitive budgeting, in particular with regard to marginalized groups, including migrants

E. Assessment of progress and financing

77. Implementing the 2035 agenda for facilitating human mobility would require an explicit whole-of-government approach by each State, cooperation among all levels of government, including municipal authorities, and a global collaboration among all States to fulfil their duties and responsibilities, as well as global partnerships among States and other key stakeholders, such as the business community, trade unions, civil society and migrant associations. The progress in the implementation thereof would be monitored and reported by States periodically at the national, regional and global levels.

78. Systematic follow-up and review at the global level would be conducted during the high-level dialogues on International Migration and Development to ensure that the implementation of the agenda stayed on course. Given that the Millennium Development Goals were followed by the more ambitious Sustainable Development Goals, the 2035 agenda would also be expected to pave the way for a more ambitious agenda in order to make a meaningful and progressive impact on the lives of future generations.

79. In order to facilitate the implementation of the agenda by States, the Special Rapporteur also supports the proposal made in the report of the Special Representative of the Secretary-General on Migration with regard to financing through a collective fund (see A/71/728). As stated in paragraph 32 of the present report, similar long-term strategies exist for the environment, trade and energy. Similarly, as outlined in the report of the Special Representative, a dedicated financing facility would be needed to support capacity development for the implementation of migration-related international commitments. The Special Rapporteur welcomes the opening of the Sustainable Development Goals Financing Lab, which is aimed at mobilizing the resources needed to support the world's long-term sustainable development objectives, including in relation to migration.[11]

IV. Conclusions and recommendations

80. **The unprecedented number of undocumented cross-border movements has resulted in increased deaths, violence and suffering at borders and at every stage of the migratory process over the past few years. Such events have clearly shown that the status quo in the approaches of States to border control and**

[11] See www.un.org/pga/71/2017/04/18/opening-of-sdg-financing-lab.

migration is not sustainable if the objective is to reduce suffering and deaths. Those events have also underlined the increasing importance of migration.

81. Migration is here to stay. The inclusion of migration in the Sustainable Development Goals demonstrated the importance of migration today and the commitment of States to addressing it.

82. In the high-level plenary meeting on addressing large movements of refugees and migrants, and in its outcome document, the New York Declaration for Refugees and Migrants, migration was firmly established as a priority issue within the United Nations system, and the need of States to commit to the protection of the human rights of migrants and improved global migration governance was acknowledged.

83. The global compact for safe, orderly and regular migration offers an opportunity for better migration governance that would enable States to develop clear, long-term and evidence-based migration policies ensuring the full protection of the human rights of all migrants.

84. The Special Rapporteur considers the global compact on migration, which is to be presented for adoption in 2018, as the beginning of a long-term, 15-year agenda, complementary to the 2030 Agenda for Sustainable Development and aimed primarily at implementing targets 10.7 and 8.8 of the Sustainable Development Goals. The objective is to provide States with short-, medium- and long-term achievable goals and targets aimed at facilitating migration and mobility and protecting the human and labour rights of migrants, as requested in the 2030 Agenda.

85. The long-term strategy would start in 2020, which could be designated as the "International year for safe, orderly and regular migration for all". The strategy could be called the "2035 agenda for facilitating human mobility". The Special Rapporteur recommends the adoption of eight practical and achievable goals, with appropriate targets and indicators, as his contribution to the 2035 agenda. He acknowledges that the goals and targets could be further refined and must be developed in full recognition of the challenges that States are facing in their endeavour to establish a global framework for rights-based global migration governance.

86. The Special Rapporteur recommends that a consultative process be led by the United Nations to further develop goals and targets. Such a process would include the participation of experts, representatives of the business community and civil society organizations and migrants themselves. It would build upon the principles and guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations within large and/or mixed movements that were developed by the Global Migration Group. The guidance could form an important starting point for the development of goals and targets, given that it is derived from existing obligations under international law and is aimed at assisting States and other stakeholders with regard to the refinement, strengthening, implementation and monitoring of measures to protect migrants in vulnerable situations.

87. States need to develop inclusive processes so as to allow for national consultations that foster better understanding of and adaptation to each goal, target and indicator, according to national contexts, taking into account and carrying the voice of migrants in particular.

88. A longer-term strategy will require long-term investment in order to ensure the effective implementation and monitoring of all eight goals. The implementation of such an agenda within the framework of the United Nations

would require the existing bilateral, regional and global cooperation mechanisms to be strengthened. That would ensure accountability, monitoring and oversight, while creating a clear link to the formal normative monitoring mechanisms established within the United Nations.

United Nations A/72/174

General Assembly

Distr.: General
19 July 2017

Original: English

Seventy-second session
Item 20 of the provisional agenda*
Sustainable development

Sustainable tourism and sustainable development in Central America

Report of the Secretary-General

Summary

The present report, submitted pursuant to General Assembly resolution 70/196 on sustainable tourism and sustainable development in Central America, provides an update since the issuance of the previous report on the subject (A/70/215) on the ongoing efforts of Central American States to implement programmes to promote sustainable development and sustainable tourism.

* A/72/150.

17-12260 (E) 020817

Please recycle

I. Introduction

1. In its resolution 70/196 on sustainable tourism and sustainable development in Central America, the General Assembly requested the Secretary-General to submit to the Assembly at its seventy-second session a report on the implementation of the resolution. The World Tourism Organization (UNWTO), as the specialized agency of the United Nations vested with a central role in promoting the development of responsible, sustainable and universally accessible tourism, assumed the lead role in preparing the present report.

2. The report provides an update since the issuance of the previous report on the subject (A/70/215) on the ongoing efforts of Central American countries to implement programmes to promote sustainable tourism and sustainable development. The report is based on the responses received from, inter alia, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama to the request for updates, made by UNWTO in early 2017 through a follow-up survey on General Assembly resolution 70/196, for the purpose of monitoring the implementation of the resolution.

3. The report reflects ongoing research conducted by UNWTO since 2016 to examine the extent to which sustainable consumption and production patterns are integrated into national tourism planning. The research involves analysis of the results of a global survey on tourism planning and an extensive review of the tourism policies of UNWTO member States, with a particular focus on sustainable consumption and production issues.[1]

II. Brief background on sustainability developments of relevance for the Central American region

4. It has been acknowledged that the sustainable tourism sector is capable of making significant contributions to the three dimensions of sustainable development owing to its complex linkages with other sectors; moreover, the growth of the sector, combined with its increased diversification, makes it an agent of sustainable development. The 2030 Agenda for Sustainable Development and the 17 Sustainable Development Goals, which constitute an ambitious conceptual and political road map for the years ahead, reflect that acknowledgment.

5. Tourism is part of this important road map. Three of the Sustainable Development Goals, in fact, contain specific references to it, namely: Goal 8, on sustainable economic growth and decent employment; Goal 12, on sustainable consumption and production; and Goal 14, on the conservation and sustainable use of oceans. Nevertheless, given the sheer size and the cross-cutting nature of the sector, tourism has the potential to contribute, directly and indirectly, to the achievement of all 17 Goals.

6. The 2030 Agenda calls for sustained, inclusive and sustainable economic growth, the protection of the environment, productive employment, innovation, responsible consumption and production, gender equality, reduced inequality and ending poverty in all its forms, all of which are key challenges to be addressed in

[1] As at July 2017, a total of 73 responses had been received from national tourism authorities, mainly from Europe (26 countries; 36 per cent), followed by Africa (18 countries; 25 per cent) and the Americas (15 countries; 21 per cent). Seventy-one national tourism policies were accessed through official websites or obtained through UNWTO national focal points and have been analysed, including 20 policies from Africa (28 per cent), 19 from the Americas (27 per cent) and 14 from Europe (20 per cent).

order to achieve long-term sustainable development for the Latin American region where, despite the considerable success achieved with regard to poverty reduction, 168 million people (28 per cent of the population) live in poverty.[2]

7. By its resolution 70/193, the General Assembly decided to proclaim 2017 the International Year of Sustainable Tourism for Development. In the context of the 2030 Agenda and the Sustainable Development Goals, the aim of the International Year is to raise awareness of the contribution of sustainable tourism to development among decision makers and the public, while mobilizing all stakeholders to work together in making tourism a catalyst for positive change. A prominent message of the campaign is the need to measure the impact of tourism at destinations, which is a crucial element for the evidence-driven development of tourism that is based on a participatory approach, inclusiveness and timely monitoring, and that encompasses a holistic approach towards sustainability.

8. The Sustainable Tourism Programme of the 10-Year Framework of Programmes on Sustainable Consumption and Production Patterns, launched in November 2014, advances the Sustainable Development Goals in the context of the tourism sector by serving as a collaborative platform to bring together and scale up initiatives and partnerships to accelerate the shift to sustainable consumption and production. The Programme is one of the six initial programmes under the Framework, which was adopted at the United Nations Conference on Sustainable Development. Its main goal is to decouple tourism growth from the increased use of natural resources and it focuses on four areas of work: (a) integrating sustainable consumption and production into tourism-related policies and frameworks; (b) promoting collaboration among stakeholders for the improvement of the performance of the tourism sector, including the application of monitoring frameworks; (c) fostering the application of guidelines, tools and technical solutions to mainstream sustainable consumption and production for destinations, enterprises and tourists; and (d) enhancing sustainable tourism, investment and financing. In Central America, actors such as the Ministry of Environment and Energy of Costa Rica, the National Council for Sustainable Development of Honduras, the National Cleaner Production Centre of Nicaragua and the Ministry of Environment of Panama are involved in the Programme.

9. The Paris Agreement, a global landmark agreement on action to address climate change, was adopted at the twenty-first session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Paris in December 2015. As a legally binding and universal instrument, with the central goal of keeping the increase in long-term global warming to well below 2°C, it represents another major achievement for international diplomacy, in which the shift to a bottom-up, pledge-based system for action on climate change is built. The Central American States face particular challenges in that regard as a result of inequalities and disparities in their income distribution and the need to reduce the greenhouse gas emissions made by their highest income sectors, as well as in terms of climate change mitigation and adaptation.

10. The Paris Agreement includes the obligation for all Parties to pursue efforts to achieve nationally determined contributions and to strengthen those efforts in the years ahead, including through regular reporting on greenhouse gas emissions and implementation measures. It also includes the obligation for developed countries to support the efforts of developing countries in that regard. A global stocktaking exercise will be undertaken every five years in order to monitor collective progress

[2] *Horizons 2030: Equality at the Centre of Sustainable Development*. (United Nations publication, Sales No. 16.II.G.11), page 47.

towards achieving the objectives of the Agreement and to guide further actions by parties.

11. The thirteenth meeting of the Conference of the Parties to the Convention on Biological Diversity was held in Cancun, Mexico, from 2 to 17 December 2016. The meeting adopted the Cancun Declaration on Mainstreaming the Conservation and Sustainable Use of Biodiversity for Well-Being, in which, among other things, it recognized that tourism could contribute directly to the conservation of sensitive areas and habitats through a variety of activities and by raising awareness of the importance of biodiversity. It also recognized that, if well managed, tourism had the potential to be an enabling agent of change. Such recognition is particularly important for the Central American region, which has very rich biodiversity, a variety of climates and ecosystems and is home to the Meso-American Biological Corridor.

A. Sustainable tourism in Central America

12. International tourism plays a major role in the development of the Central American region and has grown significantly in recent years. In 2016, Central America received almost 11 million international tourists, who generated $11.4 billion in revenues, up from 4.3 million visitors and revenues of $3 billion in 2000. In 2016, Costa Rica led the trend with a double digit growth in arrivals (+10 per cent), followed by Guatemala (+8 per cent), Nicaragua (+5 per cent up to September 2016) and Honduras (+4 per cent up to November 2016). As a result, overall arrivals to Central America grew at a rate of 6 per cent in 2016, well above the global average of 3.9 per cent.

13. According to *Tourism Towards 2030/Global Overview*,[3] the number of international tourist arrivals for the Central American region is expected to increase from 7.9 million in 2010 to 22 million by 2030. This shows that the region has great potential to continue to enhance the development of tourism, becoming an instrument of social inclusion that generates decent jobs and contributes to the improvement of the quality of life of the population, within a framework of sustainability.

B. Frameworks, policies and legislation for sustainable tourism development

14. National tourism planning in Central America is in line with a globally observed trend for a long-term planning approach. On the basis of the national tourism policies of six Central American States analysed (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama) in the context of UNWTO research on tourism policies, the planning horizon in the region is 12 years, slightly above the global average of 10 years (based on an analysis of 71 countries).

15. Since 2015, five of the six respondents to the follow-up survey (Costa Rica, El Salvador, Guatemala, Nicaragua and Panama) have established new national policies, tourism plans, strategies, guidelines and/or programmes for the promotion and development of sustainable tourism. In the same period, Central American countries have modified their existing legislative or policy frameworks to support sustainable tourism development, mainly in the areas of biodiversity protection (six countries: Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama),

[3] World Tourism Organization, *Tourism Towards 2030/Global Overview — Advance edition presented at UNWTO 19th General Assembly — 10 October 2011* (Madrid, 2011).

indigenous and/or community development (five countries: Costa Rica, El Salvador, Guatemala, Nicaragua and Panama), climate change (four countries: Costa Rica, Guatemala, Nicaragua and Panama) and natural resource management (four countries: Guatemala, Honduras, Nicaragua and Panama). The shared overall goal of the policies is to limit the impact of tourism on the environment and better prepare the sector for efficient management of cultural and natural resources.

16. Sustainable tourism is the cornerstone of the national development plan of Costa Rica for the period 2015-2018, and initiatives, such as the certification for sustainable tourism programme, are designed to advance the sustainability of the sector. To support the development of sustainable tourism, Costa Rica has amended legislation and policies in the areas of biodiversity, climate change and indigenous community development. The Framework Convention to Promote an Open State of the Republic of Costa Rica has also been signed by the executive, legislative and judicial branches of the Government and the Supreme Electoral Tribunal, in order to make progress at the national level on issues of transparency, citizen participation and the fight against corruption.

17. El Salvador has launched its five-year tourism plan for the period 2014-2019 for the promotion and development of sustainable tourism and has focused mainly on ecotourism, community tourism projects in indigenous areas and the establishment of Los Cobanos as a sustainable tourism area. El Salvador is also involved in projects to incorporate biodiversity into tourism activities and tourism projects in indigenous communities, and also participated in the thirteenth meeting of the Conference of the Parties to the Convention on Biological Diversity.

18. Guatemala has launched a master plan for sustainable tourism for the period 2015-2025 as the main planning tool for the country's tourism sector. The plan was upgraded to a public policy in 2016. In addition, the growth of the tourism sector is featured as a priority goal in the General Government Policy 2016-2020, announced in 2016. Other major policies initiated by Guatemala that address the tourism sector include the policy on visitor activity in protected areas 2015-2025 and the national development plan, "K´atun, our Guatemala 2032".

19. During the period 2015-2016, tourism policy development in Honduras focused mainly on biodiversity protection and natural resource management. The country introduced legislation on the creation of biological corridors and changes in the administrative procedures for evaluating environmental impact (Agreement No. 0632-2015 on the regulation of biological corridors).

20. Nicaragua is in the process of updating its national tourism strategy. In addition, the country has implemented pilot initiatives in collaboration with the Sustainable Destinations Alliance for the Americas. Nicaragua has also been participating in the Sustainable Tourism Zone of the Caribbean through the Association of Caribbean States, and has implemented a programme of tourism bonds for environmental sustainability. In addition, its Law No. 690 (Law for the development of coastal zones) was reformed to include new initiatives for tourism investment in protected areas, and a new law, Law No. 848 on national heritage declaration — Corn Island — was introduced.

21. Policy initiatives implemented by Panama during the period 2015-2016 include an action plan for the development of green tourism in protected areas for the period 2016-2026, which is aimed at fostering sustainable tourism in the country; developing sustainability indicators for tourism areas and destinations; establishing a joint group to respond to emergency situations; and establishing a national climate change committee to engage with government institutions.

Poverty reduction

22. Countries usually address poverty through initiatives aimed at fostering the development of local communities and programmes focusing on better engagement of disadvantaged communities in the tourism sector.

23. The Government of Costa Rica has developed a 2015 national strategy for poverty reduction, known as the "Bridge to development", as part of its national development plan. The strategy contains actions for poverty eradication that require inter-institutional coordination and provides for the use of a series of technical tools to develop a more effective response to poverty.

24. El Salvador has undertaken a study on incorporating the Sustainable Development Goals into the development of sustainable tourism as a strategy for reducing poverty in the country and has developed tourism projects for youth and the Maya population in order to improve their incomes and living conditions.

25. Guatemala has undertaken specific programmes, such as the Chixoy compensation policy, Mundo Maya, Carmelita Mirador and Caribe Maya, which serve to support community tourism ventures by providing specialized training to strengthen their capacity to attract tourists, training plans for community tourism guides and support for micro-, small and medium-sized enterprises, all of which will promote development in protected areas.

26. Honduras has taken measures to promote the inclusion of local communities in tourism sustainability programmes such as the Central American Integrated System of Quality and Sustainability as well as the Communities and Educational Centres chapter of the Honduras Ecological Blue Flag programme.

27. Initiatives by Panama on this front have focused on providing support to micro- and small tourist enterprises through the development of an agreement between the Panama Tourism Authority and the Micro-, Small and Medium-sized Enterprise Authority to support tourist activities.

Women, youth and local empowerment

28. Three of four respondents to the global survey from the region (Costa Rica, El Salvador and Honduras) considered gender equality to be a highly important[4] issue in their national tourism policies. There was also consensus on the importance of including local communities in tourism planning since all four respondents (Costa Rica, El Salvador, Honduras and Panama) also considered that issue to be highly important.

29. The Department of Tourism Development of the Costa Rica Tourism Board has worked to promote and support initiatives and projects that foster the local development of communities and to improve the management and competitiveness of the different actors involved in the tourism industry, including through a training and advisory programme, a rural and community-based rural tourism programme, a support programme for tourism-related micro-, small and medium-sized enterprises, and a training programme in Costa Rican gastronomy.

30. In El Salvador, tourism initiatives, such as the Mayan community tourism project, have been developed to further youth empowerment and the promotion of tourism in indigenous communities.

[4] On a five-point scale (0 — Not aware, 1 — Not at all important, 2 — Slightly important, 3 — Moderately important, 4 — Very important, 5 — Extremely important). Highly important indicates scale points 4 or 5 in the global survey.

31. The Government of Guatemala has planned, through the General Government Policy 2016-2020, to progressively increase the proportion of women in non-agricultural employment, using training programmes for young people on tourism culture issues, an internationalization programme for companies whose owners are women; and the strengthening of community tourism with an emphasis on communities identified as having social vulnerability and tourism potential.

32. Honduras has taken measures to improve the involvement of communities through its Ecological Blue Flags programme.

33. Nicaragua has developed strategic guidelines for tourism, which have a fundamental focus on the human being and contain an inclusive framework for tourism development. In addition, the national plan for the development of sustainable tourism integrates gender perspectives into its framework.

34. Panama has developed touristic routes and training programmes with the participation of indigenous communities. In addition, in a joint technical cooperation activity with the Japan International Cooperation Agency, officials from seven institutions have been trained to strengthen projects in the indigenous area of the Chagres region as part of the One Village One Product movement. The aim of the movement is to contribute to local development and the elimination of poverty by training local human capital and fostering leadership skills that can serve to improve community capacity.

Efficiency in the use of resources

35. At the global level, 67 per cent of the respondents to the global survey on rated efficiency in the use of resources as highly important[5] for tourism planning at the national level. All four respondents from the Central American region indicated that it was a highly important element in their national tourism planning. The focus given to various aspects of sustainable consumption and production by individual countries in their planning processes during the 2015-2016 period pointed to a growing awareness of the need to integrate sustainable consumption and production principles into the tourism sector.

36. Costa Rica has developed a national plan for sustainable and healthy gastronomy, which serves as a public-private alliance for the development of Costa Rican gastronomy and is part of a national model of sustainable development. The aims of the plan include contributing to carbon neutrality and the conservation of biodiversity, which in turn contributes to the integration of sustainable consumption and production into tourism planning.

37. Representatives of the Secretariat of Planning of the Presidency, and the Ministry of International Relations of El Salvador regularly participate in meetings with the United Nations Development Programme (UNDP) to incorporate sustainable consumption and production into the operational tourism plans.

38. Guatemala has implemented a long-term sustainability and quality system in an effort to improve the standards of quality and sustainability in the local tourism industry and to make the country more competitive through continued compliance with high-quality standards. Guatemala has also proposed a regulation for controlling emissions from motor vehicles. In the municipality of San Pedro La Laguna, municipal agreement No. 111-2016 prohibits the use, sale and distribution of plastic bags, polystyrene, straws and derivatives. In addition, the Pro-forest Law is being implemented as a strategic tool for sustainable forest management. Moreover, the General Government Policy 2016-2020 focuses on the

[5] 4 and 5 on a 5-point scale (1 — not at all important, 5 — extremely important).

maintenance of forest coverage in the national territory. The share of renewable energy in the energy matrix has been increased by 5 per cent, and a law on water management (Ley de Aguas) has been introduced with a view to increasing the country's resilience and adaptation to climate change.

39. Honduras has taken measures to strengthen good environmental practices through the promotion of the Honduras chapter of the Central American Integrated System of Quality and Sustainability programme, and voluntary agreements on cleaner production.

40. The Nicaraguan Tourism Institute has continued to participate in the National Cabinet of Production, Industry and Commerce. Within the framework of the model of dialogue, alliances and consensus promoted by the Government, the Institute has been working in a participatory manner, with all stakeholders of the sector, on tourism development.

41. In its action plan for the development of green tourism in protected areas for the period 2016-2026, which defines specific actions to be executed in Panama as a matter of priority, one of the specific actions, under the thematic area on sustainable infrastructure, as to design and implement guidelines that promote the establishment of sustainable tourism infrastructure inside and outside of protected areas, in particular those incorporating good practices for the management of solid waste, water-saving and energy efficiency.

Disaster response and resilience

42. As at May 2017, 31 national-level documents related to emergency planning available on the PreventionWeb platform of United Nations Office for Disaster Risk Reduction have been reviewed as part of the UNWTO research on national-level emergency planning. The documents include policies, strategies or frameworks that focus on emergency, crisis or disaster management from Asia and the Pacific (39 per cent), Latin America (16 per cent) and Western Europe and other countries (16 per cent).

43. Five of the Central American respondents to the follow-up survey (Costa Rica, Guatemala, Honduras, Nicaragua and Panama) maintained that they have a national emergency plan dealing with the preparation for, response to and recovery from natural and man-made disasters.

44. Of the five countries that reported having a national emergency plan, four (Guatemala, Honduras, Nicaragua and Panama) have integrated tourism into those plans. In comparison, preliminary results from the review exercise of national emergency planning documents showed that tourism was present in 53 per cent of the 31 national emergency planning documents reviewed.

45. In terms of national emergency planning, the National Risk Prevention and Emergency Management Commission of Costa Rica is the institution responsible for managing the response to emergency events for all people, regions and sectors in the country. The Commission also prepared elements in the national development plan of Costa Rica for the period 2015-2018 on subjects such as risk management. When an emergency occurs in which several sectors are involved, the Commission convenes meetings with emergency representatives from each relevant institution and always consults the Costa Rica Tourism Board in order to exchange information and be informed of the impact of the emergency on business or tourism infrastructure.

46. In Guatemala, tourism destinations are covered under the plans of the National Coordinator for Disaster Reduction. Moreover, in addition to the country's national

tourist assistance programme, Guatemala has specific arrangements for tourists in emergency situations.

47. The Honduran Institute of Tourism is an integral part of the country's national risk management system. It is protected by pertinent legislation and actively participates in committees on prevention and early warning.

48. The Nicaraguan Tourism Institute is part of the country's national system for disaster prevention, mitigation and attention and is also actively involved at the local level in the departmental committees for disaster prevention, mitigation and response and in the municipal committees for disaster prevention, mitigation and response.

49. In Panama, the Panama Tourism Authority is a member of a joint task force on security and tourism, coordinated by the national civil protection system, which is responsible for ensuring and guaranteeing the safety of all the people who use the beaches, rivers, trails or other tourist sites, as well as the safety of all public or private activity carried out in the country. The Panama Tourism Authority agrees that more activities or initiatives could be envisaged on that front.

III. National priorities

50. The three priority areas for the Central American region in terms of sustainability are the protection of ecologically sensitive areas and natural heritage; tourism capacity-building (human capital and small and medium-sized enterprises); and the sustainable and inclusive development of communities. The priorities indicate the importance given to the responsible consumption of natural resources by the tourism sector in the region. Moreover, the visions of Member States of the Central American region are well aligned with the 2030 Agenda and the objective of ensuring sustainable and inclusive economic, environmental and social development. By being sensitive to the priorities of the Central American States, specialized agencies of the United Nations system, as well as regional and international institutions, can accelerate the development of sustainable tourism and sustainable development in Central America, while strengthening their contribution to the achievement of the Sustainable Development Goals.

IV. Overview of regional initiatives on sustainable tourism and sustainable development

51. Member States in Central America have been involved in implementing projects to promote sustainable tourism in the areas of rural tourism (five countries: El Salvador, Guatemala, Honduras, Nicaragua and Panama); tourism in colonial cities (four countries: Guatemala, Honduras, Nicaragua and Panama): and ecotourism (three countries: Guatemala, Honduras and Nicaragua).

52. At the regional level, through the Central American Tourism Integration Secretariat and its regional member States, various programmes of the Strategic Plan for Sustainable Tourism Development in Central America 2014-2018 have been implemented, in cross-cutting areas such as biodiversity protection, culture and heritage preservation, climate change, indigenous and community development, sustainable consumption and production, and safety and security.

53. Under the umbrella of the Sustainable Destinations Alliance for the Americas, projects are carried out with the objective of increasing tourism destination competitiveness in the Central American region by promoting sustainable

destination management. The Alliance plans to have a positive impact on the lives of residents in Central America by strengthening the region's competitiveness in the global marketplace, protecting both land and marine resources, implementing sustainability practices, improving the management of locally based tourism and maximizing the benefits of tourism for locals.

54. El Salvador is currently involved in the implementation of the Mayan Community Tourism Project in the countries that make up the Mundo Maya (Belize, El Salvador, Guatemala, Honduras and Mexico). The project has two components: a regional project portfolio of community-based cultural tourism and the preparation of business plans for flagship projects; and a strategy for the international promotion of tourism based on Mayan culture. The objectives of the technical cooperation are to develop flagship projects on community tourism in the five countries with a Mayan population and archaeological sites or natural sites of interest, as an alternative to help to improve the income and living conditions of the Mayan population; and to use lessons learned from the projects to create a dialogue with tourism authorities, which enables, in the long run, the extension of such an approach at the national level.

55. At the regional level, Central American countries reported that they had introduced measures to promote national and subnational cooperation on sustainability issues by sharing experiences on subjects such as sustainable tourism and sustainable development (six countries: Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama); biodiversity protection (five countries: El Salvador, Guatemala, Honduras, Nicaragua and Panama); and indigenous and/or community development (four countries: El Salvador, Guatemala, Nicaragua and Panama).

56. The Strategic Plan for Sustainable Tourism Development in Central America 2014-2018 shows that there has been an increase in the competitiveness of tourism enterprises in response to new market trends. According to Costa Rica, this is due to an increase in the number of micro-, small and medium-sized enterprises in the region, including in regional and national quality and sustainability systems.

57. Guatemala participates in the Tourism Promotion Agency of Central America, to exchange experiences in that area, and works with World Wide Fund for Nature and Mundo Maya on community tourism projects. The country is also part of the Association of Caribbean States, which promotes tourism in the greater Caribbean area, and is a member of the Central American Bank for Economic Integration, which is engaged in the financing of environmentally friendly projects. In addition, Guatemala works with UNDP, through integrated marine and coastal area management activities, to promote ecotourism as a tool for financial sustainability for protected areas.

58. Honduras works with the Secretariat of Central American Tourism Integration to share experiences in the field of sustainable tourism. The Central American Tourism Council and the Central American Environment and Development Committee are entities within the Secretariat of Central American Tourism Integration that support project implementation and regional cooperation in the aforementioned topics.

59. In Nicaragua, over the past year and a half, international and national congresses and forums have been organized, with the aim of promoting the exchange of experiences and capacity-building on themes relevant to the development of the tourism sector. At the local level, technical institutional support is provided for the participatory planning processes in the sector. In addition, Nicaragua has developed an agritourism farms programme to carry out actions that foster tourism development in rural areas. The programme also contributes to

business diversification and increases in income by strengthening the management of agritourism farms as products of rural tourism within a strategy of climate-smart agriculture and good rural practices in tourism. The aim of the so-called "colonial and volcanoes route" is to promote the development of rural and sustainable community tourism around the volcanic natural reserves and coastal areas of the Pacific region of Nicaragua (departments of Chinandega, León, Managua, Masaya, Granada and Rivas), and the development of tourism-related micro-, small and medium-sized enterprises, and to support local economic development.

V. Conclusions and recommendations

60. Central American countries have continued to support sustainable tourism development, including the adoption of new legislation and policies; promote poverty alleviation through tourism; enhance the protection of biodiversity and cultural heritage; and enhance community development. Furthermore, national strategies for disaster prevention in many of the Central American States engage the tourism sector in efforts to facilitate the use of monitoring and control mechanisms that will serve to ensure disaster preparedness at destinations.

61. Tourism, if well managed and monitored, has the potential to contribute directly or indirectly to development and growth and, consequently, to the achievement of the global development agenda and all of the Sustainable Development Goals. It is therefore crucial to precisely define the role tourism should play in the sustainable development agenda of the Central American region, up to and beyond 2030.

62. Integrating sustainable consumption and production patterns in the tourism sector in Central America, and therefore advancing the 2030 Agenda in the region, requires among other things, the identification and adoption of tourism planning approaches aimed at improving the resource efficiency of tourism stakeholders. For example, the circular economy approach — which promotes business models based on renewable resources, longer and diverse product life cycles, shared consumption and interconnected value chains — can play a significant role in designing and improving resource management systems, not only in the tourism sector, but also for the sustainable development of destinations.

63. Governments and other stakeholders of the region are invited to join the Sustainable Tourism Programme, the aim of which is to promote innovation and circular thinking to accelerate resource efficiency in the tourism value chain. The Sustainable Tourism Programme is jointly led by UNWTO and the Governments of France, Morocco and the Republic of Korea and implemented in collaboration with the Secretariat of the 10-Year Framework of Programmes on Sustainable Consumption and Production Patterns within the United Nations Environment Programme. Over 120 proactive organizations (including Governments, the private sector, non-governmental organizations and academia) are currently members of the Programme.

64. The development of sustainable tourism in the region will benefit from being driven by an evidence-based approach, which focuses on the systematic and timely measurement of the economic, environmental and social impact of tourism in destinations, and the effective utilization of the generated information in designing informed policy decisions at the national, regional and local levels.

65. **The importance of adequately measuring the sociocultural and environmental impacts of tourism is emphasized, as well as the recommendation to fill the present data gap in this area by taking advantage of the emergence of non-traditional solutions and sources of data, with an overarching goal of advancing the national sustainable development agenda beyond the tourism sector.**

66. **Governments and other stakeholders of the region are invited to join the UNWTO International Network of Sustainable Tourism Observatories[6] to promote socially, economically and environmentally sustainable tourism, and to support the practice of informed policymaking around the world, mainly through the identification and dissemination of best practices and enhanced awareness of and capacity-building for sustainability among tourism stakeholders.**

67. **The tourism sector in Central America is encouraged to be part of the coordination, knowledge-sharing and communication mechanisms for security and emergency management at national and regional levels, and to collectively promote an evidence-based approach to develop measures for safe, secure and seamless travel, which will enable government agencies in the region to make relevant, informed and coordinated decisions in areas such as visa facilitation.**

68. **Continuous participatory processes involving all stakeholders — from the public sector, private sector, civil society or local communities — across all levels, through innovative tools, such as participatory budgets, are strongly encouraged, thereby ensuring the long-term participation of local communities in the sustainable development of destinations.**

[6] See http://insto.unwto.org.

United Nations A/72/175

General Assembly

Distr.: General
19 July 2017

Original: English

Seventy-second session
Item 20 (h) of the provisional agenda*
Sustainable development

Harmony with Nature

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 71/232, in which the Assembly requested the President of the Assembly to convene, at its seventy-first session, an interactive dialogue on Harmony with Nature to commemorate International Mother Earth Day in April 2017, and requested the Secretary-General to submit to the Assembly, at its seventy-second session, a report on the implementation of the resolution.

The present report draws on contributions to the seventh interactive dialogue on Harmony with Nature, held on 21 April 2017, that address Earth jurisprudence, the 2030 Agenda for Sustainable Development, trends in the implementation of Earth-centred law and a range of initiatives and achievements in law, policy, education and public engagement relating to Earth jurisprudence during the period 2016-2017. In addition, the report provides key recommendations for the consideration of Member States.

* A/72/150.

17-12266 (E) 040817

Please recycle

I. Introduction

1. On 21 December 2016, the General Assembly adopted resolution 71/232, its eighth resolution on Harmony with Nature, which requested the President of the General Assembly to convene, at the seventy-first session of the Assembly, an interactive dialogue to be held at the plenary meetings to be convened during the commemoration of International Mother Earth Day on 21 April 2017, with the participation of Member States, United Nations organizations, independent experts and other stakeholders. The purpose was to discuss the recommendations of the experts' summary report of the first virtual dialogue of the Assembly on Harmony with Nature among experts on Earth jurisprudence worldwide (A/71/266), in order to inspire citizens and societies to reconsider how they interact with the natural world and to improve the ethical basis of the relationship between humankind and the Earth in the context of sustainable development.

2. The seventh interactive dialogue of the General Assembly was therefore held in commemoration of International Mother Earth Day and had before it the experts' summary report as well as the resolution of the General Assembly on Harmony with Nature.

3. The present report addresses the highlights of the dialogue as well as the application of Earth jurisprudence in the light of the experts' report issued in August 2016. Since then, and to advance the overall implementation of the 2030 Agenda for Sustainable Development, many of the expert members of the Harmony with Nature Knowledge Network have initiated important activities in the different areas of their competence,[1] with the ultimate goal of ensuring that people everywhere have the relevant information and awareness for sustainable development and lifestyles in harmony with nature, as stated in Sustainable Development Goal 12, target 12.8.

4. In their report, the experts also recommended that Earth jurisprudence principles should be applied in the implementation of all 17 Sustainable Development Goals, given the fundamental interconnections between humanity and Nature,[2] the urgent need to inspire citizens and societies to reconsider how they interact with the natural world, the widespread threats to its well-being and the importance of the implementation of the 2030 Agenda for Sustainable Development over the next 13 years.

5. The experts emphasized that human well-being was inextricably linked to the well-being of the Earth, and therefore that the Earth's right to a healthy environment was equally important if human rights were to be protected. Recent reports have affirmed that the well-being of humans and Nature are interdependent, such as the report of the Earth Law Center entitled "Fighting for our shared future: protecting both human rights and Nature's rights"[3] and numerous reports from the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, including reports discussing human rights impacts arising from biodiversity loss (A/HRC/34/49) and climate change (A/HRC/31/52).

6. Furthermore, to strengthen the implementation of Earth jurisprudence, an agreement[4] was signed on 23 September 2016 between the Plurinational State of Bolivia and the Assistant Secretary-General and Controller of the United Nations to

[1] See www.harmonywithnatureun.org/knowledgenetwork/all-members.

[2] "Nature" is capitalized herein to reflect the Earth-centred worldview recognized by some countries (see A/71/266, footnote 3, and resolution 71/232).

[3] See https://www.earthlawcenter.org/co-violations-of-rights.

[4] See http://www.harmonywithnatureun.org/trustfund.html.

contribute to the idea of Harmony with Nature under the trust fund of the high-level political forum on sustainable development, thereby reaffirming the commitment of the 2030 Agenda for Sustainable Development that by 2030 people everywhere will have the relevant information and awareness for sustainable development and lifestyles in Harmony with Nature.

II. Highlights of the interactive dialogue of the General Assembly on Harmony with Nature to commemorate International Mother Earth Day

7. On 21 April 2017, the General Assembly held its seventh interactive dialogue on Harmony with Nature at United Nations Headquarters in commemoration of International Mother Earth Day. The overall theme of the dialogue was "Earth jurisprudence". The dialogue was composed of morning and afternoon panels and included expert members of the Harmony with Nature Knowledge Network.[5]

8. The dialogue addressed the roles of the rights of Nature, ecological economics, education, ethics, philosophy, holistic science and the media, as well as Earth jurisprudence more generally, and their significance with regard to advancing the Sustainable Development Goals, including through the adoption of the rights of Nature, with the ultimate goal of forging a thriving relationship between human activity and the Earth.

9. In his opening remarks, the Vice-President of the General Assembly acknowledged the importance of Earth jurisprudence in recognizing the deeply interconnected nature of human and planetary well-being as well as fostering mutually beneficial relationships between humans and the other members of the Earth community. He highlighted the idea that our current human-centred worldview, our laws and our economics had at the core the notion that we lived within a planet that was simply full of "resources" to be exploited at will, for the exclusive benefit of our own species. In contrast, an Earth-centred worldview appreciated that humanity's well-being was derived from the well-being of the Earth, and that living in Harmony with Nature was necessary to sustaining both human well-being and human rights.

10. The Under-Secretary-General for Economic and Social Affairs stated that Earth jurisprudence was rooted in a philosophy of law and human governance that recognized that the well-being of each member of the human community depended on the well-being of the Earth as a whole. He emphasized that humanity's failure to understand what it meant to be part of the natural world had led us to relate to Nature with only our self-interest in mind. However, he noted that more and more countries had taken action to set that situation right, including by granting legal personhood to Nature, and that the same broad commitment to reshaping our relationship with Nature had been incorporated into the 2030 Agenda for Sustainable Development under Sustainable Development Goal 12, target 12.8.

11. The Minister for Foreign Affairs of the Plurinational State of Bolivia emphasized that production patterns had led to climate change and financial crises, thereby demonstrating the limits of economic and cultural development. Bearing in mind that humanity simply could not continue to exist without respecting the planet, he said, it was now vital to adopt a universal declaration on the rights of Mother Earth, with the United Nations playing a critical role in harmonizing the international community's efforts in that regard.

[5] Klaus Bosselmann, Peter G. Brown, Pallav Das, Liz Hosken, Jean-Paul Mertinez, Germana de Oliveira Moraes, Chandra Roy-Henriksen and Linda Sheehan. The moderator was Jorge Islas.

12. The Deputy Permanent Representative of Ecuador to the United Nations emphasized that while human rights and environmental rights had evolved, an important gap between the two still existed, owing to the fact that both human rights and environmental rights, as they currently existed in environmental law, focus on human well-being. However, environmental rights in Ecuador and elsewhere reached beyond human beings, recognizing the environment as a rights-bearing entity. She, too, stressed the importance of having a universal declaration on the rights of Nature.

13. Against that backdrop, the experts participating in the dialogue addressed the implementation of Earth jurisprudence by providing concrete examples of how Earth jurisprudence was unfolding and being applied from the standpoint of the various disciplines they represented.

14. A number of the experts discussed the perspective of the indigenous peoples worldwide, for whom existence depends on living in Harmony with Nature. Indigenous peoples occupy 20 per cent of the Earth's territory and represent 5,000 indigenous cultures, accounting for most of the world's cultural diversity.[6] The areas they inhabit are also those with the greatest biological diversity, and the rights of indigenous peoples to maintain their distinctive spiritual traditional relationship with territory were key.

15. With regard to ethics, some experts proposed that the General Assembly accompany the current Sustainable Development Goal process with a high-level ethical dialogue and promote the idea of States as trustees for the Earth. In moving towards Earth trusteeship, the Assembly could guide the sovereign States of the twenty-first century to act as trustees for the natural environment.

16. That would reflect the many developments taking place in different countries with regard to passing legislation and considering court cases that recognize Nature's legal personality, as addressed in section III of the present report. Experts noted that we must unavoidably think beyond the paradigm of sovereign States and embrace Earth trusteeship. In that regard, an "Earth Trusteeship Council" would create a valuable platform for such a dialogue and would greatly enhance the legitimacy of States with regard to helping implement the Sustainable Development Goals.

17. In the field of economics, some experts addressed the pressing need to reject harmful and misleading assumptions in which the economy was considered to be an isolated system, unconnected to the biophysical realities of the laws of the universe, thereby resulting in radical inequality and the destabilization of Earth's life-support system.

18. In contrast, experts noted that "an economics for Earth" would encompass the notion of planetary limits and recognize that we are members of the Earth community, not masters of it. The goal would be the mutual enhancement of human/Earth relationship and fairness between human generations.

19. Furthermore, the 2030 Agenda for Sustainable Development seeks to realize the human rights of all, and, importantly, states that the Sustainable Development Goals are grounded in the Universal Declaration of Human Rights. That once again raises the issue of Nature's rights. It was pointed out that the United Nations had, for example, declared that the human right to water was a prerequisite for the realization of other human rights. Experts pointed out that the declaration raised the question of whether we could say we had a right to something, like a waterway, if the waterway did not itself have a right to exist and thrive. Recognizing Nature's

[6] See www.un.org/development/desa/indigenouspeoples/mandated-areas1/environment.html.

rights in law and practice could close that gap, in the same way that human rights and the rights of indigenous peoples had been recognized.

20. It was also highlighted that the arts, media and design fields offered significant opportunities for widespread communication, dissemination and engagement with regard to those concepts, and should be prioritized and supported as a means to foster effective understanding and a movement towards implementation of an Earth-centred worldview.

21. Reconciling the ancestral perception with a development perspective requires an understanding that the rights of Mother Earth and Harmony with Nature are preconditions for sustainable development. In that regard, human rights depend on Nature's rights, and implementing the 2030 Agenda for Sustainable Development hinges on respecting the principles of Harmony with Nature.

22. Recognition in law of the inherent rights of Nature brings the debate on environmental protection within the bounds of what is responsible and sustainable. Changing the perception of Nature from being seen as merely property under the law to being recognized as possessing legal personhood, and holding inherent rights as healthy, natural ecosystems, is key to preserving and conserving it.

23. To achieve the greatest number of Sustainable Development Goals and comply with the 2030 Agenda for Sustainable Development, it is important to focus efforts to promote, respect, protect and guarantee the rights of Nature. In doing so, a radical change is needed in how the disciplines of law, economics, politics, arts and the media, among others, comply with true ecological sustainable development in the twenty-first century. Inspiration should be taken from the indigenous peoples in the way they relate to the Earth; that is, humans are born within the confinement of the Earth, are part of it and are never above it.

24. The experts stressed that governments, makers of public policy, judges, legislative bodies, law practitioners and society in general must collaborate in creating an Earth-centred perspective for the long term. They recommended that the adoption of a universal declaration of the rights of Mother Earth be seen as a first step. Nations should create new legal mechanisms that actually and effectively guarantee those rights in every phase of legal protection, from the drafting of laws and the implementation of regulatory measures to the resolving of particular disputes before the courts.

25. In conclusion, experts also highlighted the importance of clarifying that Earth jurisprudence was not a synonym for environmental law. Earth jurisprudence was instead a complete vision, under which every law and act of humankind should be seen as the only way of achieving true protection for Nature: rivers, trees, mountains, glaciers, whole ecosystems and the biosphere.

26. Experts also concluded that it was a top priority for governments and civil society to ensure that Earth-centred governance was accompanied by an Earth-centred education. Civil society and governments must collaborate to institutionalize adequate instruments and socialize their scope through all sectors of society, so that everyone could understand why Nature was not a commercial asset. There was no life, no development and no economy without Nature. Therefore it was imperative to stop looking at Nature as an unlimited provider of resources and actually understand it as the foundation of life.

III. Trends in the implementation of Earth-centred law

27. The ethics of stewardship are an integral part of the world's religions and indeed humanity's cultural heritage. Recent developments have taken place in different countries with regard to passing legislation to grant Nature legal personality, and countries have signalled a general trend towards Earth trusteeship. The present section therefore addresses the trends in Earth jurisprudence and how it is being gradually incorporated into law and policy by an increasing number of countries and institutions worldwide.

A. National legislation granting rights of Nature

28. On 10 November 2016, the Constitutional Court of Colombia recognized the Atrato River and its basin and tributaries as having rights. The Atrato River, which is in the Chocó region of Colombia, has suffered from illegal mining that has led to both environmental and humanitarian crises and to litigation to defend the rights of the river and of Tierra Digna-supported local communities.

29. According to Hugo Echeverría, an environmental lawyer, the Constitutional Court's decision was adopted after a ruling in a complex case of illegal mining in which the scale, intensity and duration of the mining activity caused a serious violation of the fundamental rights to life, water, food security, the healthy environment, culture and territory of the communities that inhabit the Atrato River basin and its tributaries.

30. In his analysis of the ruling of the Constitutional Court, Mr. Echeverría noted that the Court took an ecocentric and biocultural perspective and that environmental justice required that they must allow Nature to be subject to rights. In applying its decision, the Court took a step forward in the jurisprudence towards the constitutional protection of one of the most important sources of biodiversity in Colombia: the Atrato River.[7]

31. The decision stated that the Atrato River would be defended by the government and the communities. The judgment further stated that only an attitude of profound respect and humility towards Nature and its beings made it possible to relate to them in just and equitable terms, leaving aside utilitarian, economic or efficient concepts. For Judge Jorge Iván Palacio, who ruled in favour of granting rights to the Atrato River, his conclusion was as obvious as it was difficult: they must save the planet from man himself.

32. In another example, Mexico City adopted a new constitution in early 2017 that addressed the rights of Nature in paragraphs 2 and 3 of its article 13, which stated that the right to the preservation and protection of Nature would be guaranteed by the authorities of Mexico City. In addition, article 13 indicated that a secondary law would be passed to recognize and regulate the protection of the rights of Nature, as formed by all its ecosystems and species, as a collective entity with collective rights. The result will be that citizens of Mexico City will be able to enforce fundamental rights on behalf of Nature.[8] The Constitution of the State of Guerrero similarly recognizes in its article 2 the rights of Nature.

33. In March 2017, the parliament of New Zealand granted the Whanganui River legal status as a person, consistent with negotiations between the Government of New Zealand and Whanganui Iwi that formally began in 2009 and moved to the

[7] Hugo Echeverría, "The case of the Atrato River: a legal view on the rights of Nature", May 2017. Available from www.facebook.com/UNHwN.

[8] See http://cdmx.gob.mx/storage/app/uploads/public/589/746/ef5/589746ef5f8cc447475176.pdf.

signing of the Whanganui River deed of settlement in 2014. The legislation recognizes the deep spiritual connection between the Whanganui Iwi and its ancestral river and creates a strong platform for the future of the Whanganui River.[9]

34. Gerrard Albert, a spokesperson for the local Maori people, stated that the community had long been concerned about the Government's impact on the health and well-being of the river, and that the community had always believed that the Whanganui River was an indivisible and living whole, called "Te Awa Tupua", which included all its physical and spiritual elements from the mountains of the central North Island to the sea.

35. The river's interests will now be represented jointly by a member appointed by the Maori community and one appointed by the Government.

36. On 20 March 2017, the High Court of Uttarakhand, India, granted the Ganga and Yamuna Rivers legal personhood status. The High Court ordered that two government officials in charge of cleaning and rejuvenating the river as well as the Advocate General of Uttarakhand act as the "legal parents" of the holy rivers and work as the human face to protect, conserve and preserve them and their tributaries. The High Court further stated that those officers would be bound to uphold the status of the two rivers and promote their health and well-being.[10]

37. On 30 March 2017, the High Court of Uttarakhand also granted the Himalayan Gangotri and Yamunotri glaciers, including waterfalls, meadows, lakes, dales, forests, wetlands, grasslands and springs, the status of legal persons for their survival, safety, sustenance and resurgence. Judges Rajiv Sharma and Alk Singh observed that past generations had handed over Mother Earth to humans in its pristine glory and humans were morally bound to hand over the same Mother Earth to the next generation. The High Court directed that the rights of those legal entities should be equivalent to the rights of human beings and the injury or harm caused to those bodies should be treated as injury or harm caused to human beings.[11]

38. In Ecuador, where the nation's Constitution was amended to include rights of Nature in 2008,[12] judicial decisions in at least five cases have recognized those rights and a number of regulatory actions have enforced that provision. The Plurinational State of Bolivia has enacted two national laws that address the rights of Nature, and Argentina and Brazil also have trends in that regard.

39. In the United States of America, municipalities throughout the country have also recognized the rights of Nature through local laws. In 2010, Pittsburgh became the first major city to adopt an ordinance recognizing the legally binding rights of Nature, and in 2013, Santa Monica became the first city on the west coast to recognize the inherent rights of Nature to exist and flourish, as well as the related right of people to a healthy environment, including the right to a sustainable climate. Municipalities in many other states, including Colorado, Maine, Maryland, New Hampshire, New Mexico, New York, Ohio, Pennsylvania and Virginia, have also passed local laws recognizing the inherent rights of Nature.

B. Policy trends on the rights of Nature

40. Experts of the Harmony with Nature Knowledge Network, joined by professionals worldwide, urge that, in order to halt the destruction of Nature, laws

[9] See www.legislation.govt.nz/act/public/2017/0007/latest/whole.html#DLM6830851.

[10] See http://lobis.nic.in/ddir/uhc/RS/orders/22-03-2017/RS20032017WPPIL1262014.pdf.

[11] See www.harmonywithnatureun.org/content/documents/20170405Waterfalls_%20As_Legal_Persons.pdf.

[12] See www.harmonywithnatureun.org/content/documents/160Ecuador%20Constitucion.pdf.

must recognize the intrinsic value of Nature. The following policy examples showcase the urgent need to bring about the systemic transformation necessary to transition to living in Harmony with Nature.

41. On 29 March 2017, Members of the European Parliament, representatives from key European Union environmental institutions and non-governmental organizations and international experts met at the European Parliament in Brussels for a conference exploring the adoption of the rights of Nature and giving legal personality and rights for ecosystems and species in European Union law and policy.[13] Members of the European Parliament Marco Affronte and Pavel Poc, acting as co-hosts, addressed the pressing need for a paradigm shift and expressed strong support for the role that the rights of Nature could play in environmental protection.

42. European Parliament Member Benedek Jávor noted that the entire system was failing to address root causes, and that perhaps the problem lay with the notion of rights. He said it was time to rethink the basic notion of the concept of rights to include non-human beings, future generations and non-individualistic living beings such as ecosystems and Nature. Such an enlargement of rights was not revolutionary, but had happened before and he was claiming now that it was the next step.[14]

43. In Brazil, the city of Campinas, in conjunction with the Ministry of the Environment of Brazil and the National Association of Municipal Environment Agencies (ANAMMA), with support from the Government of the State of São Paulo, hosted a forum on environmental management aiming to, among other things, transform the management of natural resources into the management of the relationship with Earth. The non-governmental organization MAPAS coordinated a panel on the rights of Nature and public policy in cities targeted to public officials, environmental managers and civil society to address the role of Nature's rights and Harmony with Nature in improving environmental managemen practices. In addition, the panel also addressed the United Nations initiative on Harmony with Nature and worldwide developments in legislation on the rights of Nature.[15]

44. The outcome of the forum was the "Carta da Natureza",[16] signed by more than 30 mayors, environmental secretariats, public environmental managers and legislative experts on the rights of Nature, committing to a number of principles on the implementation of the rights of Nature in municipalities. Vanessa Hasson de Oliveira, President of MAPAS, highlighted that the overriding principle 1 of the letter established that the planning and implementation of public policy on environment and health must be rooted in the principle of Harmony with Nature, recognizing Nature's intrinsic value and those of each member of the Earth community, and granting rights to Nature. The signatories of the letter committed to taking the necessary steps to transform environmental law to meet the principles enshrined in the rights of Nature.

45. In Portugal, there is an ongoing petition from Portuguese citizens appealing to the President of the Assembly of the Republic to acknowledge the intrinsic rights of Nature. The petition is requesting that the Assembly adopt the necessary legislative measures to acknowledge that the pursuit of human fundamental rights depends on the recognition of Nature's intrinsic rights. The petition also requests the establishment of a legal duty of the State and all its citizens to respect each and all

[13] See www.natures-rights.org/ECI-DraftDirective-Draft.pdf.

[14] See www.youtube.com/watch?v=7RCqu-nqJkc.

[15] See http://fbga.com.br.

[16] See www.harmonywithnatureun.org/wordpress/wp-content/uploads/Papers/Carta%20da%20Natureza%20-%20Assinada.pdf.

elements of any ecosystem, as well as the right of any person or entity to require the Government to defend Nature's intrinsic rights.[17]

46. In the United Kingdom of Great Britain and Northern Ireland, the town council of Frome is in the process of giving Nature's rights to the River Frome through a new by-law that recognizes the rights of the river and the surrounding ecosystem.[18] The River Frome has suffered ongoing pollution over the years, and local organization Sustainable Frome requested that the town council enact a new type of law which recognizes the rights of Nature, stating that that approach provided a model which would allow local people to use law to protect their environment in a less costly and more collaborative way.

47. The International Union for Conservation of Nature, a non-governmental organization with United Nations observer and consultative status, has also demonstrated strong support for the rights of Nature in recent years and hosted the following three major events in that regard.

48. In Rio de Janeiro, Brazil, the World Environmental Law Congress, organized under the International Union for Conservation of Nature and in close partnership with the Brazilian Association of Judges, adopted the rights of Nature in principle 2 of the World Declaration on the Environmental Rule of Law.

49. The World Environmental Law Congress was followed by the endorsement of the Oslo Manifesto by several hundred International Union for Conservation of Nature academics and professionals of environmental law. The Oslo Manifesto calls for a worldwide dialogue to protect the integrity of Earth's ecological systems as the basis of life and human development. A paper discussing the creation of the Oslo Manifesto calls for the establishment of an ecological law and governance association,[19] which is scheduled to be launched in Sienna, Italy, in October 2017.

50. Among other things, the paper discussing the creation of the Oslo Manifesto declares that environmental law is rooted in modern Western law, and has its origins in religious anthropocentrism, Cartesian dualism, philosophical individualism and ethical utilitarianism, and in the ensuing ecological age, that worldview has become outdated and counterproductive but continues to dominate the way environmental laws are conceived and interpreted.[19]

51. In September 2016, the quadrennial International Union for Conservation of Nature World Conservation Congress adopted two resolutions addressing the rights of Nature: a resolution on crimes against the environment and a resolution on humanity's right to a healthy environment.[20] Recognizing the rights of Nature was deemed a groundbreaking new legal structure that fundamentally changed the legal standing of ecosystems. Rather than treating Nature as property under the law, the rights of Nature acknowledges that Nature, in all its forms, has the right to exist, persist, maintain and regenerate its vital cycles. The resolution on humanity's right to a healthy environment further invited States and all stakeholders in the international community to support the adoption of international and regional declarations and conventions that contribute to the recognition of the rights of humanity and all living beings to the environment and the rights of Nature.

52. Other significant outcomes of the International Union for Conservation of Nature Congress were the embedding of the rights of Nature in the Union's Programme 2017-2020 as a priority that aimed to secure the rights of Nature. The

[17] See www.direitosnatureza.org.

[18] See www.frometowncouncil.gov.uk/wp-content/uploads/2016/07/Agenda-item-6-For-decision-Establishing-nature-rights-bye-law-for-the-River-Frome.pdf.

[19] See www.harmonywithnatureun.org/content/documents/20170404OSLO_MANIFESTO.pdf.

[20] See https://portals.iucn.org/library/sites/library/files/documents/IUCN-WCC-6th-005.pdf.

Union committed to specifically supporting wildlife through the advancement of rights regimes related to the rights of Nature through a rights-based approach to conservation, which is consistent with Union resolution 100 from 2012 on the incorporation of the rights of Nature as the organizational focal point in the Union's decision-making[21] and the Union's call for Nature's rights to be a fundamental and absolute key element in all Union decisions. In addition, recommendation 102 of 2016 noted that all World Heritage Sites, protected areas and the sacred lands of indigenous peoples, should be "no-go areas" for mining and other extractive industries.[20]

53. In Africa, a new resolution from the African Commission on Human and Peoples' Rights marked another important milestone. Resolution 372, passed at the Commission's sixtieth ordinary session, held in the Niger, acknowledges the role of sacred natural sites in the protection of African ecosystems, and the role of Nature in the realization of African people's rights, including the right of peoples to economic, social and cultural development and the right of peoples to a satisfactory environment favourable to their development.[22]

54. Another policy example comes from the Green Party of England and Wales in the United Kingdom, which adopted a rights of Nature policy platform addressing seven distinct responsibilities of humans towards Nature and the legal recognition of rights of Nature as a legal concept to protect ecosystems. The platform added that Nature had rights to exist, persist, maintain and regenerate its vital cycles, as well as the right to restoration and that Green parliamentarians, both in Europe and the United Kingdom, would support any sensible measures to introduce legal instruments related to those rights.[23]

IV. Education on Earth jurisprudence

55. The present section addresses both formal and informal educational activities on the rights of Nature that have arisen in the professional and public spheres to advance Earth jurisprudence. The following examples are representative of such advancement worldwide.

A. Formal education on Earth jurisprudence

56. Advanced Earth jurisprudence education and degree programmes are gradually being put in place and are expected to continue to grow. Formal professional training for Earth jurisprudence has emerged in Africa, Latin America and North America.

57. In Africa, the Gaia Foundation has delivered a mix of educational trainings entitled "Trainings for transformation", on the topic of Earth jurisprudence. A noteworthy accomplishment was the first group of professionals from Benin, Ethiopia, Kenya, South Africa and Uganda, who graduated from a three-year training course as Earth jurisprudence practitioners. The course includes input from indigenous elders as well as progressive thinkers from all over the world through a dynamic mix of residential trainings, wilderness experience, distance learning and webinars, written and practical assignments and mentoring.

58. Each participant actively works with communities and civil society groups in their respective countries to "reweave the basket of life" for the revival of their

[21] See https://cmsdata.iucn.org/downloads/resolutions_and_recommendations_2012.pdf.
[22] See www.achpr.org/sessions/60th/resolutions/372.
[23] See https://policy.greenparty.org.uk/rr.html.

traditional knowledge systems and customary laws that protect ecosystems and seed and food diversity. The course also puts emphasis on personal practice, reading the laws of Nature and reconnecting with the Earth. A new cohort of African flag-bearers for Earth jurisprudence will begin their three-year session of professional development in July 2017. Short introductions to Earth jurisprudence are also provided to communities, civil society groups and coalitions across Africa.

59. In Argentina, the Faculty of Law and Social Sciences of the National University of the Littoral has launched an online course to promote knowledge on the rights of Nature.[24] The course went live in April 2017. The syllabus covers the rights of Nature by contributing perspectives and practical interdisciplinary debate and reflection on the topic of Nature as a subject of rights, within the framework of models that are presented as alternatives to capitalism under the ideas of "good living" and "living well".

60. In Brazil, the Federal University of Ceará offers a postgraduate law programme on the rights of Nature. The programme features the participation of scholars from other Brazilian universities who lecture on the rights of Nature, thereby strengthening collaboration across universities on the issue. The Universidade Estácio de São Paulo has established research activities on the rights of Nature and supported seminars on the subject. The non-governmental organization MAPAS also has a research group registered with the National Council for Scientific and Technical Development, a research department of the Government of Brazil.

61. The Colégio Dante Alighieri high school in São Paulo, inspired by the United Nations initiative on Harmony with Nature, has developed a project aiming to engage students in an Earth-centred approach towards protecting the planet. More than 240 students, coordinators and teachers of biology, chemistry, English, geography, history, mathematics, physics and technology will be working on an interdisciplinary project modelled after the United Nations virtual dialogue on Harmony with Nature held in 2016.[25]

62. The students are exposed to the concept of the rights of Nature through texts, broadcast materials and discussions with experts to advance Sustainable Development Goal 12, target 12.8, which states: "By 2030, ensure that people everywhere have the relevant information and awareness for sustainable development and lifestyles in harmony with nature". At the conclusion of the project, the students will present their own views on their findings.

63. In Canada, an inspiring example of economics initiatives is the Economics for the Anthropocene partnership (E4A), a graduate training and research partnership that includes academic, government and non-governmental organizations. E4A is training more than 60 graduate students based at McGill University, York University and the University of Vermont. The overarching goals of the programme are to articulate, teach and apply a new understanding of human-Earth relationships grounded in and informed by the insights of contemporary science. Research resulting from the E4A community ranges from ecological finance to global food systems to watershed governance and climate activism.[26]

64. In Mexico, the Autonomous University of Guerrero includes, in its Bachelor and Master of Laws programmes, a class on environmental law and living well and a class on bioethics, rights of Nature and rights of animals. Furthermore, its Faculty of Law, in its vision and mission, now recognizes that human rights and the rights of

[24] See www.fcjs.unl.edu.ar/sitios/cursosvirtuales/Pages.showSubcategoria&id=649.
[25] See www.colegiodante.com.br.
[26] See https://e4-net.org.

Nature are complementary. In addition, the University's history curriculum within the Faculty of Philosophy and Literature offers a programme on environmental history.

65. In the United Kingdom, the School of Economic Science in London hosted a conference entitled "Why values matter: the power of purpose and values: the path to a better world".[27] The conference explored and debated values and principles relating to Earth jurisprudence and the path towards living in Harmony with Nature, such as celebrating diversity, appreciating uniqueness and acting in the interests of the common good. The University of Wales, Lampeter, created a programme in ecological stewardship and terminology for graduate students.

66. In the United States, rights of Nature concepts are increasingly being taught in schools and universities. For example, Vermont Law School offers a course entitled "Earth law" that describes legal, economic and other governance systems that recognize the inherent rights of the natural world to exist, thrive and evolve, and then discusses how such systems can be implemented to advance lasting sustainability.[28] Another example within secondary schools is the Earth Law Center's Bottle Biosphere Educational Project, which teaches students how to create their own biospheres and about the implementation of laws that protect the rights of ecosystems.[29]

67. It is important to highlight that shifting formal education from a human-centred worldview to an Earth-centred one is a complex undertaking. However, scholars are increasingly working towards that end to inform new generations with the fundamental knowledge that we are all part of Nature.

B. Informal education and public engagement on Earth jurisprudence

68. During the period 2016-2017, academics, civil society organizations, federal courts and research institutes worldwide have been hosting seminars at the local, national and international levels and congresses and debates to discuss and advance Earth jurisprudence. Among the main themes, Harmony with Nature and the rights of Nature have been discussed in the context of democracy, constitutionalism, the United Nations initiative on Harmony with Nature and the principles of environmental law and sustainability, and conferences and events have engaged public attention on the rights of Nature.

69. In Australia, Argentina, the Plurinational State of Bolivia, Brazil, Canada, Costa Rica, Germany, Italy, Mexico, Spain, Sweden, Switzerland and the United Kingdom, professional networks on Earth jurisprudence have expanded, and have increased public engagement on the topic of Harmony with Nature.

70. Argentina hosted a conference entitled "Rights of Nature: transatlantic and cross-disciplinary perspectives",[30] with the support of BAYLAT, an organization dedicated to promoting cooperation between Bavarian and Latin American universities and research institutions, that called upon expert voices from both sides of the Atlantic, across disciplines and from academic institutions, to discuss the importance of living well and in Harmony with Nature. The objective of the seminar was to prioritize debates and discussion on the varying transatlantic and cross-disciplinary perspectives on the rights of Nature. Records of the conference

[27] See www.gcgi.info/index.php/confs/800-13th-gcgi-international-conference-and-the-3rd-joint-gcgi-a.

[28] See www.vermontlaw.edu/academics/classes/class?classid=1770.

[29] See www.earthlawcenter.org/education-and-outreach.

[30] See www.unl.edu.ar/agenda/index.php?act=showEvento&id=12827#.WUrJSsaZNAY.

dialogues will serve as references for larger discussions and educational research on the rights of Nature.

71. In Australia, two events dedicated to educating professionals and members of civil society on the rights of Nature were convened. The Australian Earth Law Alliance organized a conference to examine the future of environmental law in Australia. To coincide with that, the Alliance convened an arts festival to represent the ideas and creative reinterpretations of the conference themes, entitled "The rights of Nature Australia, 2016."[31] The first tribunal on the rights of Nature was also held, in which a panel of experts heard cases presented by citizens and Earth lawyers on matters concerning ecosystem destruction in Australia. In addition, a new organization was established that focuses on training legal practitioners and members of the judiciary, with aim of bringing about the transition to Earth jurisprudence and acknowledge the rights of Nature.

72. The Plurinational State of Bolivia hosted the twentieth International Environment Forum,[32] which focused on the implementation of the Sustainable Development Goals, in particular Goal 12, on responsible and sustainable lifestyles in harmony with Nature; Goal 4, on values and education; and Goal 11, on sustainable urban communities. In many places, local governments have already taken the lead in transitioning towards sustainability.

73. In Brazil, Ceará State University and the Governor of the State of Ceará hosted an international conference on the knowledge required for a planetary citizenship.[33] The objective of the conference was to address the urgent need to rethink education, reinvigorate humanism and restore planetary ethics and solidarity. In addition, a research group on advanced studies in environment and economics in international law from the law school at the Federal University of Santa Catarina is hosting an international seminar on human rights and rights of Nature in September 2017, to promote a debate on the recognition of the inextricable connection between the two.

74. Another example comes from the non-governmental organization Pachamama Nation, which is active in sensitizing civil society about the rights of Nature and the urgent need for humankind to reconcile with Mother Earth. Most recently, the organization hosted its sixth international festival in Brasilia, in which multiple awareness-raising cultural activities were held for the strengthening of the engagement of civil society towards a better relationship with Mother Earth. A panel on Earth jurisprudence and Harmony with Nature was also hosted with the participation of Brazilian expert members of the Harmony with Nature Knowledge Network.

75. In Canada, a joint conference of the Canadian Society for Ecological Economics and the Economics for the Anthropocene partnership will be held in Montreal in October 2017. The conference is entitled "Economies in an age of limits: a time for (r)evolution!" It asks the question: "In an age where our Earth limits are increasingly perceptible, how can our economic systems take them into account?" By recognizing the need to redefine ecological and social justice, the conference aims to highlight the current ecological and social challenges and the different visions and tools that fuel change, as well as paths to be undertaken to transform the economic system. Conference themes include "alternative movements and discourses", which will explore innovative visions of a just and environmentally

[31] See www.earthlaws.org.au/wp-content/uploads/2016/04/RONA16-Flyer_April-2016.pdf.
[32] See http://iefworld.org/conf20.
[33] See www.uece.br/eventos/spcp.

sustainable future and discuss ways of understanding and deepening human-Earth relationships.[34]

76. Costa Rica played host to the sixth international meeting of CONPEDI, the Brazilian National Council on Research and Graduate Courses on Law, in association with the National University of Costa Rica. The sixth meeting was focused on human rights, constitutionalism and democracy. Among the topics studied and debated were environmental law, sustainability and Nature's rights. Numerous Brazilian professors from various Brazilian universities attended the meeting, including the Federal Universities of Goiás, Santa Catarina and Ceará. Several scholars and experts of the Harmony with Nature Knowledge Network, who had participated in the United Nations dialogue on Harmony with Nature held in April 2017, also hosted a panel on Earth jurisprudence.

77. Germany hosted an event entitled "Rights of Nature in transatlantic perspective", in partnership with the National University of the Littoral and the Rachel Carson Center, with the support of BAYLAT. The event was held to educate participants to recognize the rights of Nature as one of the legal field's most important discussions of our time and beyond. The event recognized the progress on rights of Nature, and singled out the progress made in some Latin American countries, where constitutions, national and local regulations recognized Nature as a legal entity. The workshop aimed to improve the current debate through an interdisciplinary and transatlantic perspective, relating Latin American and European and international current developments to each other.

78. In Italy, the University of Bologna School of Law hosted an international conference entitled "How to govern the ecosystem? a multidisciplinary approach", in support of the United Nations initiative on Harmony with Nature.[35] The conference was sponsored by Fondazione Flaminia and La Cooperativa Sociale Il Cerchio. The main objectives of the conference were to create a transdisciplinary network for academics and activists who operate in defence of the environment, and who share the belief in the need for a move to a holistic and ecological approach in the defence of Mother Earth; and for students and citizens to become informed and sensitized to the existence of different approaches to environmental problems, Earth jurisprudence and the United Nations initiative on Harmony with Nature. The outcome of the conference will be published as an e-book, expected in November 2017.

79. Also in Italy, the "Tour 2017 por la Pachamama" included more than 14 stops in 11 cities and towns. Each part of the tour featured live musical performances, informational discussions or documentary footage, and festivities focused on living in harmony with Mother Earth. The festivals "Terra viva! I Diritti della Madre Terra" and "Giorno fuori dal tempo" also took place, adding to other conferences, dialogues and ceremonial events that engaged and educated Italian civil society on the rights of Nature.

80. Mexico City hosted the first international forum for the rights of Mother Earth.[36] The Government of Mexico, in partnership with representatives of civil society, the National Human Rights Commission of Mexico, universities and the Government of Mexico City, brought together activists, theorists, researchers and scholars from around the world to address the unequal relationship between Mother Earth and humans. The forum centred on the importance of legislating the rights of

[34] See http://montreal2017.consee.ca/en/home.

[35] See www.fondazioneflaminia.it/wp-content/uploads/2017/02/LOCANDINA.pdf?48aec7.

[36] See www.harmonywithnatureun.org/rightsofnature.html.

Mother Earth and worked towards supporting and implementing the amendment to the Constitution of Mexico City to recognize Nature's rights.

81. The forum generated an international multidisciplinary working group to follow up on the drafting of a universal declaration of the rights of Nature and defined actions to influence national and international legislation in favour of an Earth-centred vision. The initiative highlighted the imperative need for citizens to assume responsibility for the care of Mother Earth and establish systems of governance that restore the respectful bond with Nature. Furthermore, the key roles played by the National Autonomous University of Mexico and the Autonomous University of Guerrero have been instrumental in sensitizing the public at large and in the dissemination of academic papers on the complementarity of human rights and the rights of Nature.

82. In Mexico alone, more than 100 events, including book fairs, art exhibitions, films and festivals related to Mother Earth were organized, including the release of Thomas Torelli's book, *Another World*, in May 2017, and ongoing television programmes such as "What it means to be part of Mother Earth" by Alberto Ruz, a member of the Harmony with Nature Knowledge Network.

83. In Spain, 12 conferences and 3 educational specials on the rights of Nature were hosted over the past year. For example, the organization Solidaridad Internacional Andalucía produced an hour-long documentary called *Reimaginar lo global: pueblos y naturaleza en el centro de la globalización*.[37] A concert and discussion with Lluramae, the community founded by Miyo Fiel, on ecovillages, native ceremonial events for Mother Earth, the celebration of Mother Earth at la Semana Internacional del Arte de Cooperar and the twentieth summit of the European branch of the Global Ecovillage Network were also held, with the support of representatives from Europe, Asia, Africa and Latin America.

84. Sweden held its first Earth Rights Conference on the rights of Nature. A main outcome of the conference was the adoption of a declaration of "Five changes we want to see", which included "learning to govern ourselves in alignment with the Laws of Nature; listening to and speaking for Nature; connecting and cooperating across borders; healing past wounds, individually and collectively, in order to move forward; and standing up and taking action for Earth Rights with love".[38] Participants came from civil society organizations, academia and business.

85. Some of the topics discussed included ecocide law, local action for the rights of Nature, international tribunals, art for the rights of Nature, the connection between human rights and the rights of Nature, the role of native spiritual traditions and the "more-than-human world" in education. Side events included meetings with the Ministry of Foreign Affairs of Sweden, the Swedish Environmental Protection Agency, Members of Parliament, the Stockholm Resilience Centre and the participation of several environmental non-governmental organizations.

86. In Switzerland, a signature campaign created by the non-governmental organization Rights of Mother Earth to encourage the United Nations to engage in the formal drafting of a universal declaration of the rights of Mother Earth, has collected more than 800,000 signatures at the time of writing, and aims to reach 1 million signatures by 2018 to coincide with the commemoration of the Universal Declaration of Human Rights.[39] In another example, the non-governmental organization Objectif Sciences International hosted its fifth annual international conference on the rights of Nature at the Palais des Nations. Presentations and

[37] See www.youtube.com/watch?v=GGnjSIH9O9s.
[38] See www.earthrightsconference.org.
[39] See www.rightsofmotherearth.com.

debates took place between members of civil society and governmental and non-governmental actors. The sixth annual conference will be held on 11 and 12 December 2017 and will bring together civil society networks, scientists and government representatives from many countries.

87. In the United Kingdom, at Glastonbury Festival, which is the largest music festival in Europe, Jean-Paul Mertinez co-produced a unique performance of indigenous artists, representatives and leading western musicians that was attended by 90,000 people. The performance featured indigenous representatives, leaders from Native American and Australian Aboriginal communities, Senegalese musicians and western music artists, who performed traditional songs and spoke about the rights of Nature and the need for everyone to respect and respond to the natural laws of their traditional worldviews. The audiences, performers and creative teams are looking into creating new artistic work to disseminate the Harmony with Nature programme. In addition, the Ecocentric Alliance launched the *Ecological Citizen Journal*, a free-to-access academic publication mobilizing discussion with an Earth-centred perspective.

88. The Global Alliance for the Rights of Nature has adopted a model for adjudicating cases from across the globe under the rights of Nature paradigm: rights of Nature tribunals.[40] The citizen-created initiative, led by lawyers and other leaders in Earth law, acknowledges that ecosystems possess inherent rights, as do the indigenous peoples who live in them. During the tribunals, a panel of judges hears evidence and makes judgments on the basis of evidence submitted of violations of Nature's rights, as well as related human and indigenous rights violations. A rights of Nature tribunal is planned for Bonn, Germany, in November 2017. Several regional tribunals have also been convened, including in Australia, Ecuador and the United States.

V. Conclusion

89. At the present time of great ecological challenge, we have begun to expand our consciousness and understanding of the connection between planetary well-being and the well-being of the human species. Under the current dominant human-centred paradigm, value systems and lifestyles are two of the most difficult behaviours to alter, as they are deeply embedded in modern society.

90. However, an increasing number of efforts are under way to change such behaviours by creating new collective realities in law, ethics, economics, education, science and government to implement a new understanding of the world. That has been the task of the experts in the Harmony with Nature Knowledge Network, who are committed in their respective areas of expertise to facilitating societal change that respects Nature and embraces an Earth-centred worldview.

91. Countries around the world, despite their cultural and historical differences, are converging towards a holistic relationship with Nature, specifically by granting rights to Nature. Since the issuance of the experts' report last year and the conclusion of the dialogue in April 2017, those experts have noted significant shifts in the recognition of an Earth-centred or non-anthropocentric worldview by the public at large, and the resulting changes in law and policy.

92. The shifts have been possible thanks to the strong commitment of the experts, and their ability to render the work of the 2030 Agenda for Sustainable Development in more user-friendly and accessibie terms through the various formal

[40] See http://therightsofnature.org/rights-of-nature-tribunal.

and informal educational programmes and public engagements events they have either put in place or participated in during the period 2016-2017. Their contribution is commendable, as it supports the work of the United Nations by reaching out to a wider audience with the common aim of advancing the implementation of the Sustainable Development Goals, in Harmony with Nature.

93. The critical and diverse roles that non-governmental organizations, labour leaders, faith-based organizations, religious leaders, indigenous and community movements and many other civil society representatives have played in creating societal change must also be underscored. In many of the activities addressed in the present report, civil society has been an important constituency and has been increasingly involved in partnerships with governments to advance the implementation of Earth jurisprudence.

VI. Recommendations

94. **The significant impact of human activities on the Earth's system's has been widely acknowledged by the United Nations, international organizations, the international and scientific community, spiritual leaders, community and indigenous leaders and leading groups and stakeholders worldwide. Addressing the need to restore our relationship with Nature, and to live in Harmony with Nature, is key to reversing the damage inflicted upon the Earth and protecting it from further detrimental human activity. Member States may therefore wish to consider the following recommendations:**

(a) **Invite the existing Harmony with Nature Knowledge Network of expert practitioners, thinkers and academics who work in the natural and social sciences, including physics, chemistry, biology, ecology, economics, sociology, law, ethics, spirituality, anthropology, medicine and linguistics, to continue to advance the implementation of sustainable living in Harmony with Nature, relying on living examples of good practice and current scientific information, in particular from centres of excellence on environmental, social and economic sciences;**

(b) **Showcase and support, through the Harmony with Nature website (www.harmonywithnatureun.org), the work being undertaken by Member States, civil society groups and other stakeholders, and the growing knowledge network on the subject, in order to develop holistic and integrated approaches and actions to foster sustainable living in Harmony with Nature.**